

Lake County Probation Department

Policy and Procedure Manual

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

Lake County Probation Department

Policy and Procedure Manual

MISSION STATEMENT

Mission:

Work collaboratively to ensure community safety, assist victims and reduce crime through offender accountability and rehabilitation.

Vision:

Enhance the safety and health of our community by providing the opportunity and support necessary for positive change.

Core Values:

- Dignity and respect for the public, our employees and our clients.
- Integrity to do the right things for the right reasons.
- Leadership to develop a strong sustainable organization.
- Belief in rehabilitation and the ability to transform.
- Commitment to service excellence.
- Achievement of positive outcomes through the use of evidence-based practices.

Table of Contents

Law Enforcement Code of Ethics.....	1
Mission Statement.....	2
Chapter 1 -Law Enforcement Role and Authority.....	6
100- Law Enforcement Authority.....	7
102- General Policy Statements.....	8
103- Countywide Policy Statements.....	9
104- Oath of Office.....	11
106- Policy Manual.....	12
Chapter 2- Organization and Administration.....	16
200- Organizational Structure and Responsibility.....	17
204- Department Directive.....	18
206- Disaster Plan.....	19
207- Pre-Fire Plan.....	20
208- Training Policy.....	21
212- Electronic Mail.....	23
214- Administrative Communications.....	24
216- Staffing Levels.....	25
220- Retired Officer Identification Card.....	26
Chapter 3- General Operations.....	30
300- Use of Force.....	31
302- Deadly Force Review.....	38
306- Leg Restraint Device.....	41
308- Oleoresin Capsicum Spray.....	45
310- Officer Involved Fatal incident.....	48
312- Firearms.....	54
316- Requesting Emergency Assistance.....	61
320- Domestic Violence.....	62
322- Search and Seizure.....	69
324- Temporary Custody of Juveniles.....	71
325- Transportation.....	79
326- Elder Abuse.....	81
328- Discriminatory Harassment.....	84
330- Child Abuse.....	89
332- Missing Person Report.....	91
334- AMBER Alerts.....	92
336- Victim Witness Assistance Program.....	95
338- Hate Crimes.....	97
340- Conduct.....	99
342- Department Computer Use.....	108

Lake County Probation Department

Policy and Procedure Manual

344- Report Preparation.....	111
346- News Media Relations.....	114
348- Court Appearance and Subpoenas.....	117
352- Mutual Aid and Outside Agency Assistance.....	121
356- Megan's Law.....	122
358- Major Incident Notification.....	123
368- Limited English Proficiency Services.....	125
370- Communications with Persons with Disabilities.....	128
372- Mandatory School Employee Reporting.....	132
380- Child and Dependent Adult Safety.....	133
382- Service Animals.....	136
Chapter 4- Field Operations.....	138
400- Racial/Bias Based Profiling.....	139
404- Crime & Disaster Scene Integrity.....	141
408- Ride-Along Policy.....	143
410- Hazardous Material Response.....	145
412- Hostages & Barricaded Suspects.....	147
414- Bomb and Explosive Device Incidents.....	148
422- Rapid Deployment Team Policy.....	151
424- Reporting Law Enforcement Activity Outside of Jurisdiction.....	153
438- Field Interviews & Photographing of Field Detainees.....	154
440- Criminal Street Gangs.....	159
448- Use of Audio/Video Recorders.....	162
456- Foot Pursuit Policy.....	165
457-Administration of Opioid Overdose Medication.....	313
Chapter 6- Investigation Operations.....	169
609- Special Investigations Unit and Welfare Fraud Investigations.....	170
612- Brady Material Disclosure.....	174
Chapter 7- Equipment.....	176
700- Department Owned and Personal Property.....	177
702- Personal Communication Devices.....	179
704- Vehicle Maintenance.....	183
706- Vehicle Use Policy.....	184
Chapter 8- Support Services.....	188
804- Property Procedures.....	189
810- Release of Records and Information.....	204
811- California Law Enforcement Telecommunications System (CLETS)...	207
813- Criminal Offender Record Information (CORI).....	208
814- Confidentiality Policy.....	212
816- Computers and Digital Evidence.....	213

Lake County Probation Department

Policy and Procedure Manual

Chapter 9- Custody.....	217
900- Custody Searches.....	218
902- Prison Rape Elimination.....	221
Chapter 10- Personnel.....	230
1000- Recruitment and Selection.....	231
1002- Evaluation of Employees.....	237
1006- Grievance Procedure.....	240
1010- Reporting of Employee Convictions.....	241
1012- Alcohol and Drug Use Policy.....	244
1014- Sick Leave Reporting.....	247
1016- Communicable Diseases.....	249
1018- Smoking Policy.....	258
1020- Personnel Complaint Procedure (Peace Officers).....	259
1022- Seat Belt Procedure.....	267
1024- Body Armor.....	269
1026- Peace Officer Personnel Files.....	271
1030- Employee Commendations.....	276
1032- Fitness for Duty.....	277
1034- Meal Periods and Breaks.....	280
1035- Lactation Break Policy.....	281
1036- Time Card Procedures.....	282
1038- Overtime Payment Requests.....	283
1040- Outside Employment.....	285
1042- On Duty Injuries.....	289
1044- Personal Appearance Standards.....	292
1045- Department Issued Clothing.....	295
1046- Uniform Regulations.....	296
1050- Nepotism and Conflicting Relationships.....	300
1052- Department Badges.....	303
1054- Modified Duty Assignments.....	305
Attachments.....	308
Organization Chart.....	309
Policy Amendments, Adoption and Amendment Dates.....	310

Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS

Designated sworn Probation Officers of this Department shall be considered peace officers pursuant to Penal Code § 830.5. The authority of any such peace officer extends to any place in the State of California while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment or as required under Government Code §§ 8597, 8598, and 8617.

Per Penal Code § 830.5, the peace officer authority of designated Probation Officers shall extend only as follows:

- (a) To conditions of parole or of probation by any person in this state on parole or probation.
- (b) To the escape of any inmate or ward from a state or local institution.
- (c) To the transportation of persons on parole or probation.
- (d) To violations of any penal provisions of law which are discovered while performing the usual or authorized duties of his or her employment.
- (e) To the rendering of mutual aid to any other law enforcement agency.

100.3 CONSTITUTIONAL REQUIREMENTS

All employees shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

General Policy Statements

102.1 PURPOSE AND SCOPE

Sworn officers of the Lake County Probation Department shall meet the standards determined by Standards and Training for Corrections (STC). Annual training requirements, as set forth in STC standards will be met by all personnel.

102.2 PROBATION OFFICER RESPONSIBILITIES

- (a) All Deputy Probation Officers supervising adult or juvenile offenders are responsible for monitoring fiscal obligations, work hours, and other court ordered obligations for each of their clients.
- (b) It is the policy of this Department that all probationers (adult and juvenile) shall fully comply with all court ordered obligations prior to the termination of their probation.
- (c) Acceptable reasons for not meeting financial and other obligations would include long term illness or disability.
 - 1. The approval of a supervisor is required prior to allowing someone who has not met all of his or her obligations to terminate probation.
 - 2. In some cases, the training officer will be allowed to give such approval.
 - 3. The field notes on any such client will specify the reason that particular obligations were not met.

102.3 CLASSIFICATION

- (a) Staff shall classify all probationers using the tools provided by the department.
- (b) Those offenders that present the greatest risk to the community shall have priority in terms of supervision.
- (c) When appropriate, other agencies will be informed of pertinent information concerning high risk offenders (i.e., law enforcement agencies or schools with supervisor approval).

Countywide Policy Statements

103.1 PURPOSE AND SCOPE

The County of Lake has established countywide policies and procedures that govern the operations of the Probation Department and the behavior of its employees. The following policies and procedures are incorporated in this Policy Manual.

Copies of these policies are available as attachments to this Policy Manual, in the Administrative Offices of the Probation Department, or in Lake County Administrative Offices.

103.2 PERSONNEL RULES

All employees shall comply with the County of Lake Personnel Rules. A copy of the Personnel Rules is available at the Lake County Probation Department.

Lake County Policies and Procedures may also be viewed on the [County Intranet](#) site.

103.3 HARASSMENT POLICY

Employee should pay attention to the County of Lake Harassment Policy and § 328 of this Policy Manual. All forms of harassment are prohibited and may result in disciplinary actions.

103.4 COUNTY OF LAKE INJURY AND ILLNESS PREVENTION POLICY

Each Probation Department Employee shall familiarize themselves with the County of Lake Injury and Illness Prevention Policy. All employees are required to comply with the policy.

- (a) All employees are required to report any existing or potential hazards to a supervisor as soon as practical.
- (b) Employees are encouraged to submit suggestions for improving safety standards and workplace conditions.
- (c) All peace officers shall comply with safety procedures regarding communicable diseases, environmental hazards, and hazardous substances.

103.5 BLOODBORNE PATHOGENS PROGRAM

Each Probation Department Employee shall familiarize themselves with the County of Lake *Bloodborne Pathogens Program* and the HIV testing procedure. All employees are required to comply with the policy.

103.6 GOVERNMENT FACILITIES EMERGENCY PLAN

Each Probation Department Employee shall familiarize themselves with the County of Lake Government Facilities Emergency Plan. The plan contains procedures and policies to be followed during time of emergency. The plan includes information on the following:

- (a) Employees Roles and Responsibilities
- (b) Building Emergency Teams
- (c) Building Emergency Coordinator
- (d) Fire and Life Safety Director

Lake County Probation Department

Policy and Procedure Manual

Countywide Policy Statements

(e) Evacuation routes

103.7 ALCOHOL AND OTHER DRUG POLICIES

Each Probation Department Employee shall familiarize themselves with the County of Lake *Alcohol and Other Drug Policies* and Section 1012 of this Policy Manual. All employees are required to comply with the policies.

Oath Of Office

104.1 PURPOSE AND SCOPE

Officers of this agency are sworn to enforce the law and uphold the federal and state constitutions and the municipal laws of Lake County.

104.1.1 Oath Of Office

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

I, [employee name], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Lake County Probation Department is hereby established and shall be referred to as "The Policy Manual." The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this Department. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual are to be considered as departmental guidelines. It is recognized, however, that law enforcement and probation case work is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this Department under the circumstances reasonably available at the time of any incident.

106.1.1 Disclaimer

The provisions contained in this Policy Manual are not intended to create an employment contract, nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Lake County Probation Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Lake County Probation Department reserves the right to revise any policy content, in whole or in part.

106.2 RESPONSIBILITIES

The ultimate responsibility for the contents of the manual rests with the Chief Probation Officer. Since it is not practical for the Chief Probation Officer to prepare and maintain the manual, the following delegations have been made:

106.2.1 Chief Probation Officer

The Chief Probation Officer shall be considered the ultimate authority for the provisions of this manual and shall continue to issue Departmental Directives which shall modify those provisions

Lake County Probation Department

Policy and Procedure Manual

Policy Manual

of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

106.2.2 Staff

Staff shall consist of the following:

- Chief Probation Officer
- Assistant Chief Probation Officer
- Chief Deputy Probation Officer/ Adult Division
- Chief Deputy Probation Officer/ Juvenile Division

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

106.2.3 Other Personnel

All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their supervisor who will consider the recommendation and forward to staff.

106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

The purpose of this section is to provide examples of abbreviations and definitions used in this manual.

106.3.1 Acceptable Abbreviations

The following abbreviations are acceptable substitutions in the manual:

- Departmental Directives may be abbreviated as "DD"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

106.3.2 Definitions

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

County - The County of Lake County.

Department /LCP - The Lake County Probation Department.

DMV - The Department of Motor Vehicles.

Employee/Personnel - Any person employed by the Department.

Lake County Probation Department

Policy and Procedure Manual

Policy Manual

Juvenile - Any person under the age of 18 years.

Manual - The Lake County Probation Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed or appointed by the Lake County Probation Department including sworn officers, reserve officers, civilian employees and volunteers.

Civilian - Employees and volunteers who are not sworn peace officers.

Deputy/Sworn/Officer - Those employees, regardless of rank, who are sworn employees of the Lake County Probation Department.

On-Duty - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

POST - The California Commission on Peace Officer Standards and Training.

Rank - The job classification title held by an officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

STC - California Commission on Standards of Training in Corrections

USC - United States Code

106.3.3 Distribution Of Manual

Copies of the Policy Manual shall be distributed to the following:

- Chief Probation Officer
- Assistant Chief Probation Officer
- Chief Deputy Probation Officers
- Probation Office

A computerized version of the Policy Manual will be made available on the Department network for access by all employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

Lake County Probation Department

Policy and Procedure Manual

Policy Manual

106.4 MANUAL ACCEPTANCE

As a condition of employment, all employees are required to read and obtain necessary clarification of this department's policies. All employees are required to sign a statement of receipt acknowledging that they have received a copy, or have been provided access to the Policy Manual and understand they are responsible to read and become familiar with its contents.

106.4.1 Revisions to Policies

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department Intranet Home Page under the title Recent Policy Manual Revisions. The Training Manager will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

Each unit commander/manager will ensure that employees under his/her command are aware of any Policy Manual revisions.

Chapter 2 - Organization and Administration

Organizational Structure And Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

200.2 DIVISIONS

The Chief Probation Officer is responsible for administering and managing the Lake County Probation Department. There are two divisions in the Probation Department as follows:

- Juvenile Division
- Adult Division

200.3 COMMAND PROTOCOL

200.3.1 Succession Of Command

The Chief Probation Officer exercises command over all personnel in the Department. During planned absences the Chief Probation Officer will designate the Assistant Chief or a Chief Deputy to serve as the acting Chief Probation Officer.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief Probation Officer is as follows:

- (a) Assistant Chief Probation Officer
- (b) Ranking Chief Deputy available
- (c) Ranking Senior Deputy Probation Officer available
- (d) Ranking Deputy Probation Officer available

200.3.2 Unity Of Command

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment, any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 Orders

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

Departmental Directive

204.1 PURPOSE AND SCOPE

Departmental Directives establish an intradepartmental communication that may be used by the Chief Probation Officer to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. Departmental Directives will immediately modify or change, and supersede sections of this manual to which they pertain.

204.1.1 Departmental Directive Protocol

Departmental Directives will be incorporated into the manual as required upon approval of Staff. Departmental Directives will modify existing policies or create a new policy as appropriate, and will be rescinded upon incorporation into the manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 14-01 signifies the first Departmental Directive for the year 2014.

204.2 RESPONSIBILITIES

204.2.1 Staff

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

204.2.2 Chief Probation Officer

The Chief Probation Officer shall issue all Departmental Directives.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Manager.

Disaster Plan

206.1 PURPOSE AND SCOPE

The County has prepared an Emergency Management Plan for use by all employees in the event of a major disaster or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated in a number of ways. For the Probation Department, the Chief Probation Officer or the highest ranking official on duty may activate the Emergency Management Plan in response to a major emergency.

206.2.1 Recall Of Personnel

In the event that the Emergency Management Plan is activated, all employees of the Lake County Probation Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief Probation Officer or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

206.3 LOCATION OF THE PLAN

The Emergency Management Plan is available in the County Administrative Office. All supervisors should familiarize themselves with the Emergency Management Plan and what roles Probation personnel will play when the plan is implemented.

206.4 UPDATING OF MANUALS

The Chief Probation Officer or designee shall review the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

Pre-Fire Plan

207.1 PRE-FIRE PLAN

Probation Department Employees shall comply with the following:

- (a) Upon finding smoke, fire, or chemical spill, call 911 immediately.
- (b) While 911 is being called, other personnel should evacuate all persons from the building to a designated safe area.
- (c) While the evacuation is being completed, and if there is personnel available to do so, utilize fire extinguishers when and where appropriate and safe.
- (d) Treat injured persons until the arrival of medical personnel.
- (e) Upon the arrival of the Fire Department, inform the fire personnel of suspected or known locations of the incident. Also, if known, inform the fire personnel of the nature of the incident (i.e. electrical, propane, chemical, etc.).
- (f) Be certain to complete accurate counts of persons who were in the building. Inform the fire personnel if any persons are missing or unaccounted for.

The Safety Officer shall:

- (a) Ensure that evacuation rosters and maps are posted at all exits.
- (b) Each year in January, or as needed, update the evacuation rosters.
- (c) Ensure that department fire extinguishers are charged, serviceable, and available.
- (d) Conduct an annual fire drill.

Training Policy

208.1 PURPOSE AND SCOPE

It is the policy of this Department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

208.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the California Standards and Training for Corrections (STC).

208.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of public safety, enforce court ordered conditions of probation, and provide documents to the Courts as required by law.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of department personnel.

208.4 TRAINING PLAN

A training plan will be developed and maintained by the Training Manager. It is the responsibility of the Training Manager to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training

208.5 TRAINING NEEDS ASSESSMENT

The Training Officer will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

208.6 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
 - 1. Court appearances
 - 2. First choice vacation

Lake County Probation Department

Policy and Procedure Manual

Training Policy

3. Sick leave
 4. Physical limitations preventing the employee's participation.
 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
 2. Document his/her absence in a memorandum to his/her supervisor.
 3. Make arrangements through his/her supervisor and the Training Manager to attend the required training on an alternate date.

Electronic Mail

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this department. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the e-mail system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

212.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its e-mail system or that is stored on any department system.

The e-mail system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the e-mail system is not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of e-mail. Employees using the Department's e-mail system shall have no expectation of privacy concerning communications utilizing the system.

Employees should not use personal accounts to exchange e-mail or other information that is related to the official business of the Department.

212.3 PROHIBITED USE OF E-MAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the e-mail system is prohibited and may result in discipline.

E-mail messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief Probation Officer or designee. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's e-mail, name and/or password by others.

212.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week.

Administrative Communications

214.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

214.2 MEMORANDUMS

Memorandums may be issued periodically by the Chief Probation Officer to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

214.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief Probation Officer. Personnel should use Department letterhead only for official business and with approval of their supervisor.

214.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief Probation Officer.

Staffing Levels

216.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least two regular supervisors on duty whenever possible. Chief Probation Officers will ensure that at least one field supervisor is deployed during each watch, in addition to the Chief Probation Officer.

Retired Officer Identification Card

220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of department identification cards.

220.2 QUALIFIED RETIREES

Any full-time sworn officer of this department who honorably retires and was authorized to, and did, carry a firearm during the course and scope of his/her employment shall be issued an identification card stating that the Department approves the officer's carrying of a concealed and loaded firearm (Penal Code 26300(c)(1)).

- (a) For the purpose of this policy, "honorably retired" includes any peace officer who has qualified for, and has accepted, a service or disability retirement, however, shall not include any deputy who retires in lieu of termination (Penal Code section 16690).
- (b) No "honorably retired" identification card shall be issued to any deputy retiring because of a psychological disability (Penal Code 26305).

220.3.1 Qualification Requirements

It shall be the responsibility of the retired officer to attend scheduled range qualifications. The Department is not obligated to notify retirees of upcoming qualification dates.

The Department will not provide ongoing or proficiency training to the retiree. Training and proficiency in the use of firearms remain the sole responsibility of the retiree.

The Department will not provide ammunition, firearms, or safety equipment to the retiree. These items must be provided by the retiree for use during qualification.

The Department will provide the retiree with upcoming qualification dates upon request, and permit the retiree to attend qualifications. The retiree must qualify using the same qualification criteria and course of fire that is used to qualify active duty probation officers.

The retiree shall qualify at least annually to the same qualification standards as required by active duty probation officers. The retiree shall be provided two opportunities on qualification day to achieve a minimum passing score. In the event the retiree fails to qualify, the retiree may be

Lake County Probation Department

Policy and Procedure Manual

Retired Officer CCW Endorsements

permitted to attempt additional times to qualify, provided there are other active duty employees who are continuing to attempt to qualify.

220.4 CARRYING FIREARMS OUT OF STATE

Subject to 18 USC § 926C and the Firearms and Qualification Policy, qualified retired officers of this department may be authorized to carry a concealed weapon in other states.

220.5 IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired officer shall be two inches by three inches and minimally contain the following (Penal Code § 25460):

- (a) Photograph of the retiree.
- (b) Retiree's name and date of birth.
- (c) Date of retirement.
- (d) Name and address of this department.
- (e) A stamped endorsement "CCW Approved" along with the date by which the endorsement must be renewed (not more than one year). In the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege".
- (f) If applicable, a notation that "This person is in compliance with 18 USC § 926C(d)(1)."

220.6 DENIAL OR REVOCATION OF STATE CCW ENDORSEMENT

The Department may revoke or deny a CCW Endorsement to a retiree when (Penal Code Section 26305 et seq.):

- The retired peace officer violates any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency, or
- The conduct of the retired peace officer compromises public safety, or
- The retired peace officer fails to maintain qualification standards, or
- Upon showing of a good cause by the Department

Good cause, if challenged, shall be determined in the following manner:

- (a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 - 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.

Lake County Probation Department

Policy and Procedure Manual

Retired Officer CCW Endorsements

2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) The hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code § 26320).
1. The decision of such hearing board shall be binding on the Department and the retiree.
 2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege".

Any denial or revocation under this section shall also be considered disqualification under 18 USC § 926C(d).

220.6.1 Chief Probation Officer Responsibility

Employees who have reason to suspect a retiree's conduct has compromised public safety should notify the Chief Probation Officer as soon as practical. The Chief Probation Officer should take the following steps in these instances:

- (a) Take appropriate steps to promptly look into the matter.
- (b) If warranted, contact the retiree in person and advise him/her in writing of the following:
 1. The retiree's CCW endorsement is immediately and temporarily revoked.
 2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.
 3. The retiree will forfeit his/ her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
- (c) A current copy of Penal Code §§ 26305, 26312 and 26315 should be attached to the written notice.
- (d) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Chief Probation Officer should attempt to make the above notice of temporary suspension through another peace officer. For example, if a retiree was arrested or detained by a distant agency, the Chief Probation Officer may request that a peace officer of that agency act as the Department's agent to deliver the written notification.

Lake County Probation Department

Policy and Procedure Manual

Retired Officer CCW Endorsements

- (e) Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
- (f) The Chief Probation Officer should document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief Probation Officer.

220.6.2 Fee For Issuance Of CCW Identification Card

The Department may charge a reasonable fee to cover administrative costs for issuance of an identification card under this section.

Chapter 3 - General Operations

Use Of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 Definitions

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 Duty To Intercede

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably

Use of Force

appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 Use Of Force To Effect An Arrest

Any peace officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835).

300.3.2 Factors Used To Determine The Reasonableness Of Force

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.

Lake County Probation Department

Policy and Procedure Manual

Use of Force

- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

300.3.3 Pain Compliance Techniques

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 Carotid Control Hold

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- (a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.
- (b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
 - 1. The subject is violent or physically resisting.
 - 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.

Lake County Probation Department

Policy and Procedure Manual

Use of Force

- (c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:
 - 1. Females who are known to be pregnant
 - 2. Elderly individuals
 - 3. Obvious juveniles
- (d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

- 1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
- 2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

Use of Force

300.4.1 Shooting At Or From Moving Vehicles

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

In reporting the use of force, the reporting officer should take pictures of the subject to document any visible injuries, or to document the lack of visible injuries.

300.5.1 Notification To Supervisors

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of an electronic control device (e.g. Taser).
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics or hospital staff.

Lake County Probation Department

Policy and Procedure Manual

Use of Force

If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor, or if not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.7 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.

Lake County Probation Department

Policy and Procedure Manual

Use of Force

- (g) Determine if there is any indication that the subject may pursue civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 Chief Probation Officer Responsibility

The Chief Probation Officer shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

Deadly Force Review

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Lake County Probation Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

302.2 POLICY

The Lake County Probation Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief Probation Officer may exercise discretion and choose not to place an employee in an administrative assignment in any case.

302.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief Probation Officer may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Assistant Chief Probation Officer or a Chief Deputy Probation Officer designated by the Chief Probation Officer will convene the Use of Force Review Board as necessary. It will be the responsibility of the Chief Deputy or supervisor of the involved employee to notify the Assistant Chief Probation Officer or Chief Deputy Probation Officer assigned of any incidents requiring board review. The involved employee's Chief Deputy or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

302.4.1 Composition Of The Board

The Assistant Chief Probation Officer should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command
- Training Manager

Lake County Probation Department

Policy and Procedure Manual

Deadly Force Review

- Non-administrative supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

302.4.2 Responsibilities Of The Board

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief Probation Officer will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

Absent an express waiver from the employee, no more than two members of the board may ask questions of the involved employee (Government Code § 3303). Other members may provide questions to these members.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief Probation Officer.

Lake County Probation Department

Policy and Procedure Manual

Deadly Force Review

The Chief Probation Officer shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief Probation Officer's final findings will be forwarded to the involved employee's Chief Deputy for review and appropriate action. If the Chief Probation Officer concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief Probation Officer.

Leg Restraint Device

306.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

306.2 POLICY

The Lake County Probation Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

306.3 USE OF RESTRAINTS

Only members who have successfully completed Lake County Probation Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

306.3.1 Restraint Of Detainees

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

306.3.2 Restraint Of Pregnant Persons

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

No person who is in labor, delivery or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers or others (Penal Code § 3407; Penal Code § 6030).

Leg Restraint Device

306.3.3 Restraint Of Juveniles

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

306.3.4 Notifications

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid commingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical

Leg Restraint Device

condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

306.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the transporting vehicle).

306.7.1 Guidelines For Use Of Leg Restraints

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility, or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and should not be placed on his/her stomach, as this could reduce the person's ability to breathe.

Lake County Probation Department

Policy and Procedure Manual

Leg Restraint Device

- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

306.8 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

Oleoresin Capsicum Spray

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

308.2 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief Probation Officer or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

308.3 RESPONSIBILITIES

Only authorized personnel may possess and maintain department issued oleoresin capsicum spray. Chemical agents are weapons used to minimize the potential for injury to officers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

- (a) The Lake County Chief Probation Officer authorizes full-time, on-duty Deputy Probation Officers (sworn) to carry and use OC Spray under the following conditions:
 - 1. Persons in the above classifications who desire to carry OC Spray must obtain written authorization from The Lake County Chief Probation Officer.
 - 2. The officer must complete the required initial department training certified by POST/STC and must complete the required update training.
 - 3. The Chief Probation Officer may revoke his/her authorization to carry OC Spray at any time.

Lake County Probation Department

Policy and Procedure Manual

Oleoresin Capsicum Spray

308.3.1 Chief Probation Officer Responsibilities

The Chief Probation Officer may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

308.3.2 Rangemaster Responsibilities

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

308.3.3 User Responsibilities

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

308.4 OLEORESIN CAPSICUM (OC) GUIDELINES

308.4.1 Oc Spray

Field personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

308.4.2 Treatment For Oc Spray Exposure

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

308.5 MISCELLANEOUS MATTERS

- (a) OC Spray is the only chemical agent authorized for use by employees of the Lake County Probation Department.
- (b) Employees may only use the OC Spray issued by the department.
- (c) Employees are personally responsible for the care and use of the OC Spray equipment.
- (d) Damaged or empty OC Spray canisters shall be returned to the Chief Probation Officer or Juvenile Home Superintendent for replacement. The canisters will then be given to the Department Safety Officer for disposal.

308.6 POST-APPLICATION NOTICE

Whenever OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of

Lake County Probation Department

Policy and Procedure Manual

Oleoresin Capsicum Spray

the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

308.7 TRAINING FOR CONTROL DEVICES

The Training Manager shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

308.8 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Officer-Involved Fatal Incident

310.1 PURPOSE AND SCOPE

The intent of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of a police shooting and to ensure that such incidents be investigated in a fair and impartial manner.

310.2 INVESTIGATION RESPONSIBILITY

This policy is intended to conform to the Lake County Officer-Involved Fatal Incidents Protocol. Any discrepancies between this policy and the Lake County Officer-Involved Fatal Incidents Protocol shall be addressed on a case-by-case basis. In the case of discrepancies that cannot be resolved, this policy shall prevail.

310.3 TYPES OF INVESTIGATIONS

Officer-involved shootings involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency
- (d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy

310.4 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

310.4.1 Lake County Probation Department Officer Within This Jurisdiction

The agency having primary jurisdiction is responsible for investigating the suspect's actions. The Lake County Probation Department is responsible for the civil investigation and the administrative investigation. The District Attorney's Office and the agency having primary jurisdiction are responsible for the investigation of the officer-involved shooting.

310.4.2 Lake County Probation Department Office In Another Jurisdiction

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Lake County Probation Department will conduct timely civil and/or administrative investigations.

310.5 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting.

Lake County Probation Department

Policy and Procedure Manual

Officer-Involved Fatal Incident

310.5.1 Duties Of Initial On Scene Supervisor

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).
 1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.
- (c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- (d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.
- (e) Provide all available information to the Chief Probation Officer and the Sheriff's Office Dispatch Center. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by a supervisor from the jurisdictional agency, or other assigned personnel.
- (g) As soon as practical, shooter officers should respond or be transported (separately, if feasible) to the office for further direction.
 1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
 2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.

310.5.2 Notifications

The following person(s) shall be notified as soon as practical:

- Chief Probation Officer
- Assistant Chief Probation Officer
- Chief Deputy
- District Attorney OIS roll-out team
- Civil Liability Response Team

Lake County Probation Department

Policy and Procedure Manual

Officer-Involved Fatal Incident

- Psychological/Peer support personnel
- Officer representative (if requested)

All outside inquiries about the incident shall be directed to the Chief Probation Officer.

310.5.3 Media Relations

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Chief Probation Officer and Assistant Chief Probation Officer in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved officer shall make any comments to the press unless authorized by the Chief Probation Officer or Assistant Chief Probation Officer.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.5.4 Involved Officers

Once the involved officer(s) have arrived at the station, the attending supervisor should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

- (a) Any request for department or legal representation will be accommodated, however, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.
- (d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.
 2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

Lake County Probation Department

Policy and Procedure Manual

Officer-Involved Fatal Incident

- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Investigators shall make reasonable accommodations to the officer's physical and emotional needs (Government Code § 3303(d)).

Each involved officer may be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the Chief Probation Officer to make schedule adjustments to accommodate such leave.

310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

It shall be the policy of this agency to utilize the District Attorney's Office and the agency having primary jurisdiction to conduct an independent criminal investigation into the circumstances of any officer involved shooting involving injury or death.

The following shall be considered for the involved Deputy Probation Officer:

- (a) Probation Department personnel should not participate directly in any voluntary interview of officers. (This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry).
- (b) If requested, any involved officer will be afforded the opportunity to consult with a representative of his or her choosing or an attorney, prior to speaking with criminal investigators.
- (c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.
- (d) Absent consent from the involved officer or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

310.6.1 Reports By Involved Officers

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Lake County Probation Department

Policy and Procedure Manual

Officer-Involved Fatal Incident

Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures, but should also be included for reference in the investigation of the officer-involved shooting.

310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Chief Probation Officer and will be considered a confidential peace officer personnel file.

- (a) Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s) (Government Code § 3303(g))
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer(s) physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i)). However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 - 3. Administrative interview(s) should be recorded by the investigator (the officer may also record the interview) (Government Code § 3303(g)).
 - 4. The officer shall be informed of all constitutional *Miranda* rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed, however, that the interview will be for

Lake County Probation Department

Policy and Procedure Manual

Officer-Involved Fatal Incident

administrative purposes only and that the statement cannot be used criminally (The *Lybarger* or *Garrity* admonishment).

5. The administrative interview shall be considered part of the officer's confidential personnel file.
6. The Assistant Chief Probation Officer shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department use of deadly force policy.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

310.7.1 Civil Liability Response

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation, but shall be given reasonable access to all other investigations.

Firearms

312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief Probation Officer or his or her designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

312.1.1 Arming Policy

- (a) On-duty possession and use of firearms by employees of this department is strictly prohibited unless the employee has written express approval from the Chief Probation Officer.
- (b) Employees of this department are not authorized to carry firearms off-duty unless:
 - 1. Authorized by law.
 - 2. The employee possesses a valid license per Penal Code § 12050.
- (c) Employees authorized to carry weapons on-duty may carry their weapons to and from work.
- (d) Any employee carrying a firearm without written authorization shall be deemed to be operating outside the scope and course of his or her employment and to be acting independently of the County. The County assumes no responsibility or liability for the actions of such employee. Any liability arising from such unauthorized acts shall be the sole and individual liability of the individual employee.

312.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Rangemaster during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the Chief Probation Officer. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

312.2.1 Duty Weapons

The authorized departmental issued handgun is the Glock Model 22, .40 Caliber. However, an armed officer may carry a self-provided 45, 40, or 9mm caliber firearm that has been approved by the Department Rangemaster and Chief Probation Officer.

312.2.2 Authorized Secondary Firearm

Officers desiring to carry a secondary weapon may only use a compact frame semi-automatic pistol or revolver capable of complete concealment. Secondary firearms must be completely concealed from view when carried. Approved calibers are: .380, 9mm, 40sw and .45. The firearm shall be in good working order and must be approved by the Rangemaster and Chief Probation Officer.

- (a) Only one secondary firearm may be carried at a time.
- (b) The purchase of the weapon shall be the responsibility of the officer.
- (c) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.
- (d) The maintenance and care of the firearm is the responsibility of the officer.
- (e) The firearm shall be subject to inspection whenever deemed necessary by the Rangemaster or Chief Probation Officer.
- (f) Ammunition shall be provided by the officer for the secondary firearm for all range purposes and active duty. Duty ammunition must be approved by the Rangemaster.
- (g) Officers shall provide written notice of the make, model, color, serial number and caliber of the secondary firearm to the Rangemaster. Rangemaster shall inspect the firearm prior to an officer carrying the firearm on duty.
- (h) If an officer loses, sells, reports stolen or otherwise dispose of any secondary firearm registered with the Department, the officer shall report it to the Rangemaster as soon as possible.
- (i) The secondary firearm shall be loaded at all times with a full magazine. Extra magazines for the secondary fireman will not be carried while on duty.

312.2.3 Ammunition

Officers shall carry only department-authorized ammunition. The Department provides authorized 40 Caliber ammunition only. If an officer's choice of firearm uses other than 40 Caliber ammunition, the officer shall provide their own ammunition for carrying, training and qualifying purposes, and shall carry only department-authorized ammunition.

Officers will load any magazine they carry to its full carrying capacity (e.g. 15 round magazine shall contain 15 rounds of ammunition). After loading a round in the chamber of their weapon, officers shall "top off" the magazine that is carried in the weapon (e.g. a firearm with a 15 round magazine shall contain 16 rounds of ammunition).

312.2.4 Alcohol And Drugs

Weapons shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drug that would tend to adversely affect the officer's senses or judgment.

312.2.5 Laser Sights

Laser sights may only be installed on a weapon carried on or off-duty after they have been

examined and approved by the Chief Probation Officer and the Department Rangemaster.

- (a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
- (b) Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved training situation, an officer may only activate a laser sight when the officer would otherwise be justified in pointing a weapon at an individual or other authorized target.

312.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

312.3.1 Safety Considerations

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except under Rangemaster supervision.
- (c) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked.
- (e) Any weapon authorized by the Department to be carried on-duty, that is found by the officer to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the Department or Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the Department Rangemaster, will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is serviceable.

312.3.2 Storage Of Firearms At Home

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

Officers shall be aware that negligent storage of a firearm could result in criminal prosecution under Penal Code § 25100.

312.4 FIREARMS QUALIFICATIONS

All armed sworn personnel are required to qualify quarterly with their duty weapon and secondary weapon on an approved range course. The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, and training. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm

will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

Officers who are authorized to carry privately owned firearms shall complete the same qualifications and training as is required of officers who use Department issued firearms.

312.4.1 Non Qualification

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall submit a memorandum to his or her immediate supervisor prior to the end of the required shooting period.

Members who fail to qualify may have their arming privilege revoked.

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

- (a) Additional range assignments may be required until consistent weapon proficiency is demonstrated
- (b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained
- (c) No range credit will be given for the following
 - 1. Unauthorized range make-up
 - 2. Failure to qualify after remedial training

312.5 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

312.6 DESTRUCTION OF ANIMALS

Officers are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances in which officers have sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, [EMDT device], oleoresin capicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

312.6.1 Injured Animals

With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

312.7 REPORT OF FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Chief Deputy or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

312.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Manager after each range date. Failure of any officer to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to Department members during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Rangemaster has the authority to deem any privately owned weapon unfit for service. The officer will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Rangemaster.

312.9 MAINTENANCE AND REPAIR

Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

312.9.1 Repair Or Modifications Of Duty Weapons

The Rangemaster or Armorer shall be the only person authorized to repair or modify any department- owned weapon. All repairs and/or modifications of department issued weapons not performed by the Rangemaster must be approved in advance by the Rangemaster and accomplished by a department approved gunsmith.

Any repairs or modifications to the officer's personally owned weapon shall be done at his or her expense and must be approved by the Rangemaster.

312.10 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who

intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.
- (b) Officers must carry their Department identification card which must contain a full-face picture, the officer's signature and the signature of the Chief Probation Officer or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (c) The Lake County Probation Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Lake County Probation Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) An official letter signed by the Chief Probation Officer authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.
- (i) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

312.11 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired deputies (see Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B and C):

- (a) The officer shall carry his/her Department identification card whenever carrying such weapon.
- (b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.
- (c) The officer is not the subject of any current disciplinary action.

-
- (d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
 - (e) The officer will remain subject to this and all other Department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and C.

Requesting Emergency Assistance

PURPOSE AND SCOPE

This policy provides for the safe and appropriate request for emergency assistance.

316.1 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of deputies, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting deputy shall immediately notify the Sheriff's Office Dispatch Center.

If circumstances permit, the requesting deputy should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

Domestic Violence

320.1 PURPOSE AND SCOPE

Domestic violence is alleged criminal conduct and it is the policy of The Lake County Probation Department to stress enforcement of criminal laws and probation conditions related to domestic violence, the protection of the victim, and the availability of civil remedies and community resources. This includes the arrest of domestic violence offenders if there is probable cause to believe an offense or probation violation has occurred.

This does not prevent the arrest of non-probation clients when appropriate nor does it preclude the arrest of clients for new violations.

Officers of this department shall notify the agency having primary enforcement jurisdiction whenever the employee encounters or discovers alleged or possible domestic violence.

320.1.1 Definitions

The Lake County Probation Department "Domestic Violence" policy is drafted in compliance with guidelines established and approved by the Commission on Peace Officer Standards and Training and/or STC. The following definitions are provided by Penal Code § 13700:

Abuse - means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury.

Domestic Violence - is abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

Cohabitant - means two unrelated adult persons living together for a substantial period of time, resulting in some permanence of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

- Sexual relations between the parties while sharing the same living quarters
- Sharing of income or expenses
- Joint use or ownership of property
- Whether the parties hold themselves out as husband and wife
- The continuity of the relationship
- The length of the relationship

The above definition of cohabitant is used for the application of enforcing Penal Code § 273.5. Family Code § 6209 expands the definition of cohabitant to include a person who regularly resides in the household for the application of enforcing Penal Code § 836(d).

Officer/Deputy - means any Probation Officer or law enforcement officer employed by a local police department or sheriff's department, consistent with the various sections of Penal Code § 830.

Lake County Probation Department

Policy and Procedure Manual

Domestic Violence

Victim - means a person who is a victim of domestic violence.

320.2 POLICY

The Lake County Probation Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

320.3 OFFICER SAFETY

Although officers of this department do not normally handle the initial investigation and enforcement of domestic violence cases, they may encounter instances of domestic violence that require action. Therefore, officers should be familiar with the following enforcement procedures that will be used by the agency having primary enforcement jurisdiction.

It is the intent of the Legislature that the official response to domestic violence stresses the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is criminal behavior and will not be tolerated.

The following factors should not be used to influence the employee's decision whether or not to notify the agency having primary jurisdiction or otherwise take appropriate action:

- (a) Marital status of suspect and victim
- (b) Whether or not the suspect lives on the premises with the victim
- (c) Existence or lack of temporary restraining order
- (d) Potential financial consequences of arrest
- (e) Complainant's history or prior complaints
- (f) Verbal assurances that violence will cease
- (g) Complainant's emotional state
- (h) Non-visible injuries
- (i) Location of the incident (public/private)
- (j) Victim does not want to prosecute or make private person's arrest
- (k) Speculation that complainant may not follow through with the prosecution
- (l) The case may not result in a conviction

320.3.1 Misdemeanor Arrests

In accordance with state law, an arrest should generally be made when there is probable cause to believe a misdemeanor has occurred.

- (a) Officers may make an arrest without a warrant for a misdemeanor assault or battery not committed in his/her presence when it is committed upon:

Lake County Probation Department

Policy and Procedure Manual

Domestic Violence

1. A current or former spouse.
 2. A current or former cohabitant (Family Code § 6209 definition).
 3. A fiancé or fiancée.
 4. A person with whom the suspect currently is having or has previously had an engagement or dating relationship.
 5. A person with whom the suspect has parented a child.
 6. A child of the suspect or a child of one of the above listed categories.
 7. Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship.
- (b) Both of the following conditions must be present in order to make an arrest in this situation pursuant to Penal Code § 836(d):
1. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
 2. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
- (c) In the event probable cause for an arrest for domestic violence, the officer shall make every reasonable effort to contact the law enforcement agency having jurisdiction to take over the investigation.

320.4 INVESTIGATIONS

Various types of restraining orders may be issued by various courts in domestic violence cases. All valid out-of-state and tribal court restraining and protective orders should be enforced. Penal Code § 13710 requires all law enforcement agencies to maintain complete and systematic records of all protection orders relating to domestic violence incidents, restraining orders, and proofs of service which are in effect. This section also requires that these records be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders on file.

320.4.1 If A Suspect Is Arrested

Whenever a complainant advises of the existence of a restraining order, the officer shall immediately notify the agency having jurisdiction. Such notification shall be documented in a report.

320.4.2 If No Arrest Is Made

Violation of a restraining order is a misdemeanor under Penal Code §§ 273.6 or 166(4). An arrest should be made when probable cause exists to believe the subject of a restraining order has

Lake County Probation Department

Policy and Procedure Manual

Domestic Violence

violated the order whether or not in the presence of an officer and evidence of proof of service of the order exists. Proof of service may be established by any one of the following:

- (a) The existence of the order and proof of service to the suspect has been verified by the officer
- (b) The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service on the suspect
- (c) The officer has verified the existence of the order and the order reflects that the suspect was personally present in court when the order was made which removes the proof of service requirements
- (d) The existence of the order has been verified and there is proof that a deputy or officer has previously informed the suspect of its terms

320.4.3 Emergency Protective Orders

- (a) Family Code § 6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code § 6250(c). A judicial officer may issue an Emergency Protective Order whenever a law enforcement officer asserts reasonable grounds that:
 - 1. A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.
 - 2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.
 - 3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction.
 - 4. An elder or dependent adult is in immediate and present danger of abuse as defined in Welfare and Institutions Code § 15610.7 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.
- (b) Under Penal Code § 646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.
 - 1. Any such Emergency Protective Order shall be reduced to writing, signed by the officer and include all of the information required by Penal Code § 646.91(c).

Lake County Probation Department

Policy and Procedure Manual

Domestic Violence

2. Any officer seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.
 3. Any officer requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order.
- (c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:
1. Physically or verbally contacting the victim or disturbing his/her peace
 2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence
 3. Continuing a specified behavior as described in the order
- (d) Officers investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.
- (e) It is the policy of the Lake County Probation Department to notify the law enforcement agency having jurisdiction to request an EPO if any of the following conditions exist:
1. The victim requests an EPO
 2. The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim
 3. The investigating officer or victim believes that the suspect may be able to make bail and the potential for further violence exists

320.4.4 Court Orders

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code § 166(c)(1). Witness intimidation is also a violation of Penal Code § 136.1 and potentially a violation of Penal Code § 422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

320.5 FOREIGN COURT ORDERS

Penal Code § 13730 requires that a written report be completed on all incidents of domestic violence. Officers of this department who encounter actual or alleged domestic violence shall notify the agency having primary jurisdiction.

Domestic Violence

320.6 VERIFICATION OF COURT ORDERS

Officers shall take into temporary custody firearms or other deadly weapons in plain sight or discovered pursuant to a consensual search or other lawful search in domestic violence incidents and process them for safekeeping as authorized in Penal Code § 12028.5. Weapons seized pursuant to this policy shall be turned over to the agency having primary jurisdiction. In no event shall such a firearm or weapon be returned within less than 48 hours.

The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt fully describing the weapon (including any serial number) and indicating the location where the weapon may be recovered along with any applicable time limit for recovery. (Penal Code § 12028.7)

No person who is the subject of an Emergency Protective Order issued pursuant to Penal Code § 646.91 may own, possess, receive, purchase or attempt to purchase a firearm while such order is in effect.

320.6.1 Return Of Firearms

- (a) If, within five days after the seizure, a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident and the officer has no reason to believe that such firearm or weapon would further endanger the victim or person reporting the domestic violence, the Department shall notify the lawful owner or other person who was in lawful possession of the firearm or weapon of its availability (Penal Code § 12028.5(b)).
- (b) If, however, any officer has reasonable cause to believe that a firearm or other deadly weapon seized in a domestic violence incident would likely result in further danger to the victim or person reporting such incident or that further investigation of such firearm or weapon is required through the Department of Justice or other sources, the Department shall within five days of the seizure, notify the owner or other person who was in lawful possession of the firearm or weapon that such firearm or weapon will be retained for up to 60 days of the seizure.
- (c) If, after 45 days, the Department has been unable to clear the firearm or other deadly weapon for release, the Department shall commence the process of preparing a petition to the Superior Court to determine if the firearm or other weapon should be returned. Such petition shall be filed within 60 days of the initial seizure or upon timely application to the court for an extension within no more than 90 days (Penal Code § 12028.5(f)).
- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 12021.3(e).
- (e) The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is

Lake County Probation Department

Policy and Procedure Manual

Domestic Violence

available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 12021.3(g)).

320.7 LEGAL MANDATES AND RELEVANT LAWS

- (a) A defendant convicted of a domestic violence offense is required by law to attend and complete an approved batterer's treatment program.
- (b) The defendant's attendance and participation in no way guarantees that he/she will not engage in violent behavior
- (c) Victims of domestic violence offenses should be encouraged to utilize the available resources, including:
 - 1. Victim/Witness Division of the District Attorney's Office (707) 262-4282
 - 2. Sutter Lakeside Community Services
 - (a) (707) 262-1611
 - (b) (888) 775-8336 Toll Free
 - (c) (888) 485-7733 Crisis Line

320.7.1 Standards For Arrests

A copy of this domestic violence policy will be provided to members of the public upon request. (Penal Code § 13701(c)).

Search And Seizure

322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Lake County Probation Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the Lake County Probation Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Department will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Lake County Probation Department

Policy and Procedure Manual

Search and Seizure

322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

322.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Temporary Custody Of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Lake County Probation Department (42 USC § 5633).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

324.1.1 Definitions

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1(d); 15 CCR 1150).

Safety checks - Direct, visual observation personally by member of this department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of inmates.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile secured to a cuffing rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

Lake County Probation Department

Policy and Procedure Manual

Temporary Custody of Juveniles

- (d) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

Sight and sound separation - Located or arranged to prevent physical, visual or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

324.2 POLICY

The Lake County Probation Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Lake County Probation Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

324.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Lake County Probation Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Chief Probation Officer. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

These juveniles should not be held at the Lake County Probation Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

Lake County Probation Department

Policy and Procedure Manual

Temporary Custody of Juveniles

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed (15 CCR 1142).

324.3.1 Emergency Medical Care Of Juveniles In Custody

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Chief Probation Officer shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

324.3.2 Suicide Prevention Of Juveniles In Custody

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

324.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Lake County Probation Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Lake County Probation Department without authorization of the arresting officer's supervisor or the Chief Deputy Probation Officer of the Juvenile Division. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy or the Lake County Juvenile Hall policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Lake County Probation Department (42 USC § 5633; Welfare and Institutions Code § 207.1(d)).

324.4.1 Custody Of Juvenile Status Offenders

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Status offenders shall not be held in secure custody (42 USC § 5633).

324.4.2 Custody Of Juvenile Offenders

Juvenile offenders should be held in non-secure custody while at the Lake County Probation Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Lake County Probation Department

Policy and Procedure Manual

Temporary Custody of Juveniles

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and suspected of using a firearm in violation of Welfare and Institutions Code 625.3 shall be transported to a juvenile facility.

A juvenile offender suspected of committing murder or a sex offense that may subject a juvenile to criminal jurisdiction under Welfare and Institutions Code § 602(b), or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative which least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

324.5 ADVISEMENTS

Absent exigent circumstances, officers should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

- (a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.
- (b) Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officer should:
 - 1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian, or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.
 - 2. If efforts to contact a parent, guardian or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the

Lake County Probation Department

Policy and Procedure Manual

Temporary Custody of Juveniles

request of the juvenile, a school official or lawyer may be present during the interview in lieu of a parent.

3. If contacted, the selected parent, other responsible adult or school official may be permitted to be present during any interview.
 - (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult, who in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.
 - (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the deputy's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.
- (c) Any juvenile student who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

324.6 JUVENILE CUSTODY LOGS

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so, as defined by Welfare and Institutions Code § 827.

324.7 NO-CONTACT REQUIREMENTS

324.7.1 Discipline Of Juveniles

Police personnel are prohibited from administering discipline to any juvenile.

324.7.2 Curfew Violations

Juveniles detained for curfew violations may be released in the field or brought to the station but should only be released to their parent, legal guardian, or responsible adult.

324.8 TEMPORARY CUSTODY REQUIREMENTS

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

Lake County Probation Department

Policy and Procedure Manual

Temporary Custody of Juveniles

A medical clearance shall be obtained prior to detention of juveniles at the Lake County Probation Department when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency (Title 15, California Code of Regulations § 1431). In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity
- Minor is known or suspected to have ingested any substance that could result in a medical emergency
- A juvenile who is intoxicated to the level of being unable to care for him or herself
- An intoxicated juvenile whose symptoms of intoxication are not showing signs of improvement

Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.

- (a) A juvenile detained and brought to the Lake County Probation Department who displays symptoms of intoxication as a result of alcohol or drugs shall be handled as follows:
 1. Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
 2. Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
 3. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.
- (b) Personal observation shall be conducted on a frequent basis while the juvenile is in the custody of the Lake County Probation Department, and no less than once every 15 minutes until such time as the symptoms are no longer present. For juveniles held in secure detention inside a locked enclosure, officers will ensure constant audio monitoring is maintained in addition to conducting the in person visual checks. All other forms of detention require the deputy to maintain constant visual supervision of the juvenile.
 1. The 15 minute checks of the juvenile shall be documented on the Juvenile Detention Log in the Chief Probation Officer's office.
- (c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.
- (d) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.

Lake County Probation Department

Policy and Procedure Manual

Temporary Custody of Juveniles

- (e) A medical clearance is required before the juvenile is transported to Juvenile Hall if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the juvenile no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The juvenile will still be monitored on a 30-minute basis as outlined in this policy. The juvenile will continue to be monitored as required for secure or non-secure detentions.

324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Lake County Probation Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Chief Probation Officer. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

324.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Lake County Probation Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Lake County Probation Department.

324.11 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Lake County Probation Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Juvenile Division Chief Deputy and the appropriate

Lake County Probation Department

Policy and Procedure Manual

Temporary Custody of Juveniles

receiving agency supervisors to ensure that personnel of those bureaus act within legal guidelines.

324.12 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Juvenile Division Chief Deputy shall coordinate the procedures related to the custody of juveniles held by the Lake County Probation Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

Transportation

325.1 TRANSPORTATION PROCEDURES

- (a) Prior to transporting any subject, the transporting officer(s) shall thoroughly search the transportation vehicle.
- (b) The officer(s) shall also ensure the vehicle communication radio is functioning properly.
- (c) The officer(s) shall also visually inspect the vehicle to determine that it appears to be in good repair and there are no apparent damages or defects.
- (d) On any vehicle equipped with child safety type door locks, those shall be utilized. Additionally, window locks shall be utilized on any vehicle so equipped.
- (e) The officer(s) shall also ensure the County accident policy and forms are in the vehicle glove box.
- (f) The transporting officer(s) should, whenever possible, utilize a department issued hand held communications radio and/or cellular telephone.
- (g) The transporting officer(s) shall be responsible for ensuring he/she has obtained any necessary paperwork prior to transporting the in custody subject.
- (h) The transporting officer(s) shall ensure he/she has obtained proper directions to the intended destination.
- (i) It shall be the responsibility of the transporting officer(s) to ensure the prisoner(s) is safely and properly restrained. This shall be true in all cases, including arrests effected in the field and transportation of in custody subjects from facilities. Though it is incumbent upon facility staff to properly apply restraints, the final responsibility rests with the transporting officer(s).

325.2 APPLICATION OF RESTRAINTS

- (a) Mechanical restraints shall be applied in compliance with department policy.
- (b) Restraints shall only be used/applied in the method for which they are intended.
- (c) All prisoners will be properly secured and restrained during transportation per department policy.
- (d) Restraints will never be applied in any manner so as to intentionally inflict pain, restrict circulation or restrict breathing.
- (e) Vehicle safety belts shall be utilized for all prisoners whenever safely possible.

325.3 TRANSPORTATION OF MINORS

- (a) Minors shall be segregated from adults in accordance with Section 208 of the Welfare and Institutions Code.
- (b) If the same entrance/exit is used for the movement of adults and minors, such events shall be scheduled so as to eliminate the opportunity for contact or communication.

Lake County Probation Department

Policy and Procedure Manual

Transportation

- (c) Minors shall be segregated in accordance with the department classification plan.
- (d) To the extent reasonably possible, victims and perpetrators shall be segregated when both subjects are in custody and being transported. If this cannot be accomplished, a supervisor shall be contacted for directions.
- (e) Information regarding a minor who represents a risk or hazard to him/herself or others shall be provided to the transportation officer(s). Such a minor shall be segregated from others to the extent possible during transport and while at court holding facilities.
- (f) The transportation officer(s) shall comply with the department policy regarding movement of minors to Sutter Lakeside Hospital.
- (g) The transportation officer(s) shall comply with the Courthouse Evacuation and Emergency plans. A copy of the emergency plan will be available at the department.

325.4 INCIDENT REPORTS

Transporting officers shall document any incident that results in physical harm or serious threat of physical harm to any employee or detainee, or other person. Such documentation shall include the name(s) of the person(s) involved, a description of the incident, actions taken and the specific date and time of the event.

325.5 RETENTION OF WEAPONS AND EQUIPMENT

- (a) Transporting officers must ensure their department issued weapon(s) and equipment are securely retained. This shall include chemical agents, firearms, or any other equipment.
- (b) It is the responsibility of department personnel to ensure compliance with the department policy regarding use of such weapons and equipment.
- (c) In the case of multiple officer transports, If one officer is armed with a department issued weapon, he/she shall walk behind the in- custody subjects during movement. The unarmed officer shall act as the "key person" and shall lead the movement.

325.6 MOTOR VEHICLE ACCIDENTS

In the event of an accident, the transporting officer(s) shall comply with the Department and County policies regarding such events.

Elder Abuse

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection, and intervention in incidents of elder abuse. It is the policy of the Lake County Probation Department to treat reports of violence against elderly persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

Employees of this department should notify the agency having primary enforcement jurisdiction, including the District Attorney's Investigator assigned to elder abuse, whenever they encounter suspected elder abuse.

The following information is provided to assist employees in understanding the enforcement and other issues surrounding elder abuse.

326.2 DEFINITIONS

For purposes of this policy, the following definitions are provided (Welfare and Institutions Code § 15610; et seq. and Penal Code § 368).

Dependent Adult - means any person residing in this state, between the ages of 18 and 64-years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. Dependent Adult includes any person between the ages of 18 and 64-years who is admitted as an inpatient to a 24-hour health facility, as defined In Health and Safety Code §§ 1250, 1250.2, and 1250.3.

Elder - means any person residing in this state, 65-years of age or older.

Fiduciary Abuse - means a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property to any use or purposes not in the due and lawful execution of his or her trust.

Abuse of an Elder or a Dependent Adult - means physical abuse, neglect, fiduciary abuse, abandonment, isolation or other treatment with resulting physical harm, pain, mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

Adult Protective Services Agency - means a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

Neglect - means the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

- (a) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter;

Lake County Probation Department

Policy and Procedure Manual

Elder Abuse

- (b) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment.

326.3 MANDATORY NOTIFICATION

Any member who has observed or has knowledge of an incident that reasonably appears to be adult abuse, is told by an elder or dependent adult that he/she has experienced abuse or who reasonably suspects abuse, shall report to the county adult protective services agency as soon as practicable as provided in Welfare and Institutions Code § 15630.

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30). Notification is also made in cases of abandonment, abduction, isolation and neglect (Welfare and Institutions Code § 15610.05; Welfare and Institutions Code § 15610.06; Welfare and Institutions Code § 15610.43; Welfare and Institutions Code § 15610.57).

Notification should also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

- (a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
 - 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 - 2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 - 3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman.
- (c) The State Department of Public Health shall be notified of all known or suspected abuse occurring in a long-term facility.
- (d) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

Lake County Probation Department

Policy and Procedure Manual

Elder Abuse

- (e) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- (f) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services.
- (g) If the abuse occurred at a residential care facility for the elderly or adult day program, the State Department of Social Services shall be notified.
- (h) If the abuse occurred in an adult day health care center, the State Department of Public Health and the California Department of Aging shall be notified.

Failure to make a report within two working days or as provided is a misdemeanor (Welfare and Institutions Code § 15630(h)).

The reporting officer's supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

326.4 ADULT ABUSE REPORTING

Every allegation of adult abuse shall be documented in a report. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim
- Victim's condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and on scene

Reporting cases of adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy.

Officers investigating adult abuse shall complete a State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse) unless such report is submitted by employees from the agency having primary jurisdiction. Employees of this department shall take reasonable efforts to determine if such notification has been made.

Discriminatory Harassment

328.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

328.2 POLICY

The Lake County Probation Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

328.3 DISCRIMINATION PROHIBITED

328.3.1 Discrimination

The Department prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department's commitment to a discrimination free work environment.

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

Discriminatory Harassment

328.3.2 Sexual Harassment

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

328.3.3 Additional Considerations

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and the Department of Fair Employment and Housing guidelines.
- (b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with County or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

328.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief Probation Officer, the Human Resources Director or the Presiding Judge.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

Lake County Probation Department

Policy and Procedure Manual

Discriminatory Harassment

328.4.1 Supervisor Responsibility

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure that their subordinates understand their responsibilities under this policy.
- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Chief Probation Officer or Human Resources Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

328.4.2 Supervisor's Role

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of our Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented and promptly and thoroughly

Lake County Probation Department

Policy and Procedure Manual

Discriminatory Harassment

investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

328.5.1 Supervisory Resolution

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

328.5.2 Formal Investigation

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief Probation Officer, Human Resources Director or the Presiding Judge.

328.5.3 Equal Opportunity Employment Complaints

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

328.6 NOTIFICATION OF DISPOSITION

Complainant and/or victim will be notified in writing of the disposition of the investigation and action(s) taken to remedy the complaint.

328.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief Probation Officer. The outcome of all reports shall be:

Lake County Probation Department

Policy and Procedure Manual

Discriminatory Harassment

- Approved by the Chief Probation Officer, the Presiding Judge or the Human Resources Director if more appropriate
- Maintained for the period established in the department's records retention schedule

328.8 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All employees shall receive bi-annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

All employees shall complete bi-annual training and testing provided by the County as directed by the training manager or Assistant Chief Probation Officer.

328.8.1 Questions Regarding Discrimination Or Sexual Harassment

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief Probation Officer, Human Resources Director or the Presiding Judge, or they may contact the California Department of Fair Employment and Housing.

Child Abuse

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Lake County Probation Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

330.1.1 Definitions

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

330.2 POLICY

For purposes of this section the following definitions are provided:

Child - means a person under the age of 18-years.

Child Abuse - means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual abuse or any act or omission proscribed by Penal Code § 273a (willful cruelty or unjustifiable punishment of a child) or Penal Code § 273d (unlawful corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care. Child abuse does not include a mutual affray between children. Child abuse does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. (Penal Code § 11165.6).

Child Protective Agency - means a police or sheriff's department, a county probation department or a county welfare department. This section does not include school district police or security department.

330.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

Lake County Probation Department

Policy and Procedure Manual

Child Abuse

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

330.3.1 Notification Procedure

Notification should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

330.4 QUALIFIED INVESTIGATORS

Probation staff, who in the course of their duties discover child abuse, may conduct initial investigations if they have specific training and authorization from the supervisor. Such investigations may result in the arrest of suspect(s). Reports shall outline the elements of the crime and shall be submitted to the District Attorney for review in a timely fashion. The agency having primary jurisdiction will be contacted as soon as possible and said agency will become the lead agency in the investigation if they choose to respond.

330.5 PROTECTIVE CUSTODY

Pursuant to Welfare and Institutions Code § 300 et seq., a child may be taken into protective custody if he/she is the victim of suspected child abuse.

330.5.1 California Safely Surrendered Baby Law

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

Missing Person Reporting

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

332.1.1 Definitions

At risk - Includes, but is not limited to (Penal Code § 14213) the following:

- A victim of a crime or foul play
- A person missing and in need of medical attention
- A missing person with no pattern of running away or disappearing
- A missing person who may be the victim of parental abduction
- A mentally impaired missing person

Missing Person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14213).

Missing person networks - Those databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

332.2 POLICY

The Lake County Probation Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until the facts reveal otherwise. Members of the Lake County Probation Department shall immediately report to the appropriate agency of jurisdiction when being made aware of a missing person.

332.3 ACCEPTANCE OF REPORTS

Any employee encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by ensuring the reporting party is put in touch with the appropriate agency of jurisdiction.

Amber Alerts

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

334.4.1 Criteria For Amber Alert

The following conditions must be met before activating an AMBER Alert (Government Code 8594(a)):

- (a) Abduction has been determined to have occurred.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

334.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

334.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older and have been reported missing.

334.6.1 Criteria For Silver Alerts

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older.
- (b) The department has utilized all available local resources.

- (c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

Lake County Probation Department

Policy and Procedure Manual

AMBER Alerts

- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

334.6.2 Procedure For Silver Alert

Requests for a Silver Alert shall be made through the California Highway Patrol.

Victim Witness Assistance Program

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Lake County Probation Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Lake County Probation Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 CRIME VICTIM LIAISON

The Chief Probation Officer may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Lake County Probation Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.3.1 Specific Victim Liaison Duties

The Chief Probation Officer may designate a crime victim liaison officer as liaison to the Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by the local victim centers to verify the criminal activity upon which the application for assistance is based. The liaison officer shall carry out the functions required by state law; and devise and implement written procedures to notify and provide the required compensation information. The Release of Records and Information Policy in this manual regarding the release of reports shall be followed in all cases (Government Code § 13962(b); 2 CCR 649.35; 2 CCR 649.36).

336.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.5 VICTIM INFORMATION

Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.

Lake County Probation Department

Policy and Procedure Manual

Victim Witness Assistance Program

- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg; Penal Code § 13823.95(a)).
- (d) An explanation that no victim of sexual assault shall be required to participate or agree to participate in the criminal justice system, either prior to examination or at any other time (Penal Code § 13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime.
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U-Visa and T-Visa application processes.
- (j) Resources available for victims of identity theft.
- (k) A place for the deputy's name, badge number and any applicable case or incident number.
- (l) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.05; Penal Code § 679.026).

336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate Crimes

338.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS

Hate Crimes - Penal Code § 422.55(a) defines a hate crime as either a violation of Penal Code § 422.6 or a criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics

338.3 CRIMINAL STATUTES

Penal Code § 422 - Prohibits verbal, written or electronically transmitted threats to commit great bodily injury or death to another or his/her immediate family

Penal Code § 422.6 (a) - Prohibits the use of force or threats of force to willfully injure, intimidate, interfere with, oppress, or threaten any person in the free exercise or enjoyment of rights and privileges secured by the Constitution or law because of the person's real or perceived characteristics listed in Penal Code § 422.55(a). Speech alone does not constitute a violation of this section except when the speech itself threatened violence and the defendant had the apparent ability to carry out the threat

Penal Code § 422.6(b) - Prohibits knowingly defacing, damaging or destroying the real or personal property of any person for any of the purposes set forth in Penal Code § 422.6(a)

Penal Code § 422.7 - Provides for other criminal offenses involving threats, violence or property damage in excess of \$400 to become felonies if committed for any of the purposes set forth in Penal Code 422.6

Penal Code § 422.76 - Defines gender for purposes of various hate crime statutes to mean the victim's actual sex or the defendant's perception of the victim's sex and includes the

Hate Crimes

defendant's perception of the victim's identity, appearance, or behavior, whether or not that identity, appearance or behavior is different from that traditionally associated with the victim's sex at birth

Penal Code § 422.9 - Provides for the criminal enforcement of any order issued pursuant to Civil Code § 52.1

Penal Code § 11411 - Prohibits terrorizing by placing or displaying any unauthorized sign, mark, symbol, emblem or other physical impression (including Nazi swastika or burning cross) on another person's private property

Penal Code § 11412 - Prohibits terrorizing threats of injury or property damage to interfere with the exercise of religious beliefs

Penal Code § 594.3 - Prohibits vandalism to religious buildings or places of worship

Penal Code § 11413 - Prohibits use of explosives or other destructive devices for terrorizing another at health facilities, places of religion, group facilities and other specified locations

338.4 CIVIL STATUTES

Civil Code § 51.7 - Except for statements made during otherwise lawful labor picketing, all persons in this state have the right to be free from any violence or intimidation by threat of violence against their person or property because of actual or perceived race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability or position in a labor dispute.

Civil Code § 52 - Provides for civil suit by individual, Attorney General, District Attorney or County Counsel for violation of Civil Code § 51.7, including damages, Temporary Restraining Order and injunctive relief.

Civil Code § 52.1 - Provides for Temporary Restraining Order and injunctions for violations of individual and Constitutional rights enforceable as criminal conduct under Penal Code § 422.9.

338.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by among other things:

- (a) Officers should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks
- (b) Accessing assistance by, among other things, activating the Department of Justice hate crime rapid response protocol when necessary
- (c) Providing victim assistance and follow-up as outlined below, including community follow-up

Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are subject to provisions contained throughout this manual as well as those contained within the County of Lake Personnel Rules and any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

This policy applies to all employees (full- and part-time) and volunteers.

340.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein, those contained within the County of Lake Personnel Rules and any additional guidance on conduct that may be disseminated by the Department or the member's supervisors. Failure of any employee to meet the guidelines, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service. The following list does not replace the causes of action defined in the County's policy. It is intended to complement that policy:

340.3.1 Attendance

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Department within 48 hours of any change in residence address or phone number.

340.3.2 Conduct

- (a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.

Lake County Probation Department

Policy and Procedure Manual

Conduct

- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief Probation Officer of such action.
- (c) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of or damage to department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief Probation Officer or a designee may result in discipline under this policy.
- (j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief Probation Officer.
- (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.
- (l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (m) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

340.3.3 Discrimination

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

340.3.4 Intoxicants

Lake County Probation Department

Policy and Procedure Manual

Conduct

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties
- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site

340.3.5 Performance

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

Lake County Probation Department

Policy and Procedure Manual

Conduct

- (j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.
- (n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.
- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/ employer relationship, whether on- or off-duty.
- (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
- (r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.
- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state

Lake County Probation Department

Policy and Procedure Manual

Conduct

or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

- (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief Probation Officer.
- (y) Engaging in political activities during assigned working hours except as expressly authorized by the Chief Probation Officer.
- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).
- (ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

340.3.6 Safety

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating departmental safety standards or safe working practices.

340.3.7 Security

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

Lake County Probation Department

Policy and Procedure Manual

Conduct

340.3.8 Supervision Responsibility

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws
- (b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020. Pursuant to Government Code §§ 3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

340.4.1 Written Reprimands

Any employee wishing to formally appeal a written reprimand must do so in accordance with County Rule 1400, or in accordance with any provisions of an active Memorandum of Understanding between the affected employee's bargaining unit and the County.

340.5 POST INVESTIGATION PROCEDURES

340.5.1 Chief Deputy Responsibilities

Upon receipt of any completed personnel investigation, the Assistant Chief Probation Officer or Chief Deputy of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Assistant Chief or Chief Deputy may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

- (a) Prior to forwarding recommendations to the Chief Probation Officer, the Assistant Chief or Chief Deputy may return the entire investigation to the assigned detective or supervisor for further investigation or action
- (b) When forwarding any written recommendation to the Chief Probation Officer, the Assistant Chief or Chief Deputy shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference

340.5.2 Responsibilities Of The Chief Probation Officer

Upon receipt of any written recommendation for disciplinary action, the Chief Probation Officer shall review the recommendation and all accompanying materials.

Lake County Probation Department

Policy and Procedure Manual

Conduct

The Chief Probation Officer may modify any recommendation and/or may return the file to the Chief Deputy for further investigation or action.

Once the Chief Probation Officer is satisfied that no further investigation or action is required by staff, the Chief Probation Officer shall determine the amount of discipline, if any, to be recommended.

In the event disciplinary action is recommended, the Chief Probation Officer shall provide the employee with written (*Skelly*) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or Government Code § 3508.1):

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count.
- (b) A separate recommendation of proposed discipline for each charge.
- (c) A statement that the employee has been provided with or given access to all of the materials considered by the Chief Probation Officer in recommending the proposed discipline.
- (d) An opportunity to respond orally or in writing to the Chief Probation Officer within five days of receiving the *Skelly* notice.
 - 1. Upon a showing of good cause by the employee, the Chief Probation Officer may grant a reasonable extension of time for the employee to respond.
 - 2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

340.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief Probation Officer after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This *Skelly* response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the *Skelly* response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief Probation Officer to consider.
- (d) In the event that the Chief Probation Officer elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

Lake County Probation Department

Policy and Procedure Manual

Conduct

- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief Probation Officer on the limited issues of information raised in any subsequent materials.
- (f) Once the employee has completed his/her *Skelly* response or, if the employee has elected to waive any such response, the Chief Probation Officer shall consider all information received in regard to the recommended discipline. Once the Chief Probation Officer determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Chief Probation Officer has issued a written decision, the discipline shall become effective.

340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

340.8 POST SKELLY PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief Probation Officer's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) and personnel rules.

340.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

- (a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file
- (b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the *Skelly* procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline
- (c) At all times during any investigation of allegations of misconduct involving a probationary deputy, such deputy shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies
- (d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained.

Lake County Probation Department

Policy and Procedure Manual

Conduct

Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment

- (e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence
- (f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file
- (g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief Probation Officer

Department Computer Use

342.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software, and systems. This policy supplements and should be read in conjunction with Lake County Rules and Regulations Governing the Use of the Internet.

342.1.1 Privacy Policy

Any employee utilizing any computer, electronic storage device or media, Internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

342.2 DEFINITIONS

The following definitions relate to terms used within this policy:

Computer System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Lake County Probation Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

Temporary File or Permanent File or File - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW

An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Lake County Probation Department

Policy and Procedure Manual

Department Computer Use

Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee, or related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service when the employee is unavailable.

342.4 AGENCY PROPERTY

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

342.5 UNAUTHORIZED USE OF SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a department computer or network shall be done so only with the approval of the department IT specialist and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

342.6 PROHIBITED AND INAPPROPRIATE USE

Access to department technology resources including Internet access provided by or through the Department shall be strictly limited to department-related business activities. Data stored on, or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files, which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Lake County Probation Department

Policy and Procedure Manual

Department Computer Use

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.7 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

- (a) It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.
- (b) It is expressly prohibited for any employee to install or use any software without the expressed and specific consent of the Information Technology Department.

Report Preparation

Policy

344

Lake County Probation Department

Policy and Procedure Manual

Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

344.1.1 Report Preparation

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports and notes must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

344.2.1 Criminal Activity Reporting

When an employee becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

- (a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report
- (b) In every instance where a misdemeanor crime has occurred and the victim desires a report.

Lake County Probation Department

Policy and Procedure Manual

Report Preparation

- (c) In every case where any force is used against any person by Probation personnel
- (d) All incidents involving domestic violence
- (e) All arrests

344.2.2 Non-Criminal Activity

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms and Qualification Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

344.2.3 Injury Or Damage By County Personnel

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

344.2.4 Miscellaneous Injuries

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

Lake County Probation Department

Policy and Procedure Manual

Report Preparation

344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

344.3.1 General Policy Of Handwritten Reports

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

344.3.2 General Use Of Other Handwritten Forms

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the reporting employee, with the reason for rejection, as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

344.5 ELECTRONIC SIGNATURES

The Lake County Probation Department has established an electronic signature procedure for use by all employees of the Lake County Probation Department. Chief Deputies shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

News Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief Probation Officer.

346.2.1 Media Request

Any media request for information or access to a law enforcement situation shall be referred to the Chief Probation Officer, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative;
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief Probation Officer.

346.3 MEDIA ACCESS

Authorized and bona fide members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations
 - 1. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities.
- (c) No member of this department shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

Lake County Probation Department

Policy and Procedure Manual

News Media Relations

- (d) The media is not permitted access to scenes of routine or regular supervision contacts without prior approval of the Chief Probation Officer.

346.3.1 Providing Advance Information

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief Probation Officer.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief Probation Officer will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Chief Probation Officer. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.)

346.4.1 Restricted Information

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Confidential peace officer personnel information (See Policy Manual § 1026)
 - 1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved deputy or upon a formal request filed and processed in accordance with the Public Records Act.
- (b) Criminal history information
- (c) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

Lake County Probation Department

Policy and Procedure Manual

News Media Relations

- (d) Information pertaining to pending litigation involving this department
- (e) Information obtained in confidence
- (f) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).

Court Appearance And Subpoenas

348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

348.1.1 Definitions

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

348.2.1 Service Of Subpoena

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this department.

348.2.2 Valid Subpoenas

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 Acceptance Of Subpoena

Lake County Probation Department

Policy and Procedure Manual

Court Appearance And Subpoenas

- (a) Only the employee named in a subpoena, his/her immediate supervisor, or a Chief Deputy shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)).
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
- (c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the subpoena clerk as well as a copy to the individually named employee.

348.2.4 Refusal Of Subpoena

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the Chief Deputy or the Chief Probation Officer of his/her absence. It shall then be the responsibility of the Chief Deputy or Chief Probation Officer to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or Chief Deputy shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

348.2.5 Court Standby

If an employee on standby changes his/her location during the day, the employee shall notify the Deputy District Attorney handling the case of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

Lake County Probation Department

Policy and Procedure Manual

Court Appearance And Subpoenas

348.2.6 Off-Duty Related Subpoenas

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Lake County Probation Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

348.2.7 Failure To Appear

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

348.3 CIVIL SUBPOENAS

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

348.3.1 Procedure

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 Civil Subpoena Acceptance

Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees pursuant to Government Code § 68097.6.

348.3.3 Party Must Deposit Funds

The party in the civil action that seeks to subpoena an officer must deposit the statutory fee of \$275 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance.

348.4 OVERTIME APPEARANCES

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding.

348.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

Lake County Probation Department

Policy and Procedure Manual

Court Appearance And Subpoenas

348.5.1 Preparation For Testimony

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

348.5.2 Courtroom Attire

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

348.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from using tobacco products or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief Probation Officer, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding;
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
- (c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

Mutual Aid And Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The Lake County Probation Department may be requested to assist other agencies. This Department may also request an outside agency to provide assistance. Our policy is to provide assistance when requested whenever possible, consistent with the applicable laws of arrest and detention and the policies of this agency.

352.1.1 Assisting Outside Agencies

Generally, calls for assistance from other agencies are routed to the Chief Probation Officer's office for approval. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available employees shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, the assisting officer(s) shall document the request and their actions in a report.

352.1.2 Requesting Assistance From Outside Agencies

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

Megan's Law

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Lake County Probation Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

356.4 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief Probation Officer if warranted. A determination will be made by the Chief Probation Officer, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Lake County Probation Department's website.

Major Incident Notification

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

358.2 POLICY

The Lake County Probation Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief Probation Officer and the affected Chief Deputy. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shooting Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Lake County official
- Arrest of a department employee or prominent Lake County official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

358.4 CHIEF PROBATION OFFICER RESPONSIBILITY

The Chief Probation Officer is responsible for making the appropriate notifications. The Chief Probation Officer shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Chief Probation Officer shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

358.4.1 Staff Notification

In the event an incident occurs described in Policy Manual § 358.2, the Chief Probation Officer shall be notified along with the affected Chief Deputy.

Major Incident Notification

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358.4.2 Chief Probation Officer (pio)

The Chief Probation Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

368.1.1 Definitions

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Lake County Probation Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 POLICY

It is the policy of the Lake County Probation Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

368.2.1 Identification Of Lep Individual's Language

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

368.2.2 Written Forms And Guidelines

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to departmental personnel and other appropriate individuals.

368.3 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The Department will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

368.4 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the County of Lake which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

368.4.1 Sources Of Authorized Interpreters

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

368.4.2 Community Volunteers And Other Sources Of Language Assistance

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals. Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

368.5 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to Chief Probation Officer.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

Communications With Persons With Disabilities

370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

370.1.1 Definitions

Definitions related to this policy include:

Auxiliary aids - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

Deaf or hard of hearing - An individual who has or is regarded as having substantially limited hearing with or without assistance.

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

370.2 POLICY

It is the policy of the Lake County Probation Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

370.2.1 Initial And Immediate Considerations

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATION

The Chief Probation Officer or authorized designee's responsibilities shall include, but not be limited to:

Lake County Probation Department

Policy and Procedure Manual

Communications with Persons with Disabilities

- (a) Working with the County ADA coordinator regarding the Lake County Probation Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Chief Probation Officer. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

370.3.1 Community Volunteers

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to such sources developed by individual deputies, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

370.4 FACTORS TO CONSIDER

While all contacts, services, and individual rights are important, this department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report.

370.5 TYPES OF ASSISTANCE AVAILABLE

Lake County Probation Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a

Lake County Probation Department

Policy and Procedure Manual

Communications with Persons with Disabilities

condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

370.6 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

370.7 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

Lake County Probation Department

Policy and Procedure Manual

Communications with Persons with Disabilities

370.8 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

Mandatory School Employee Reporting

372.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense enumerated in Health & Safety Code § 11590, 11364, in so far as that section relates to paragraph (12) of subdivision (d) of Health and Safety Code § 11054, or for any of the offenses enumerated in Penal Code § 290 or in subdivision 1 of Penal Code § 291 or Education Code § 44010, the Chief Probation Officer or his/her designee is required to immediately report the arrest as follows:

372.2.1 Arrest Of Public School Teacher

Upon arrest for one of the above sections, the Chief Probation Officer or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed.

372.2.2 Arrest Of Public School Non-Teacher Employee

Upon arrest for one of the above sections, the Chief Probation Officer or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person.

372.2.3 Arrest Of Private School Teacher

Upon arrest for one of the above sections, the Chief Probation Officer or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher.

Child And Dependent Adult Safety

380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Elder Abuse Policy.

380.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Lake County Probation Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

Lake County Probation Department

Policy and Procedure Manual

Child and Dependent Adult Safety

380.3.1 After An Arrest

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 2. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (c) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (d) Notify the field supervisor or Chief Probation Officer of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should consider contacting the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the probation facility, transported in a county vehicle, or taken into formal protective custody.

Lake County Probation Department

Policy and Procedure Manual

Child and Dependent Adult Safety

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Service Animals

382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Lake County Probation Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

California expands the definition of a service animal to include other animals that are individually trained to provide assistance to an individual with a disability (Healthy and Safety Code § 113903).

382.2.1 Use Of Service Animals

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

382.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Lake County Probation Department affords to all members of the public.

Lake County Probation Department

Policy and Procedure Manual

Service Animals

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

Chapter 4 - Field Operations

Racial/Bias Based Profiling

400.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Lake County Probation Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

400.2 POLICY

The Lake County Probation Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

400.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

400.4 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

400.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their supervision for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer in a timely manner.

Lake County Probation Department

Policy and Procedure Manual

Racial/Bias Based Profiling

- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (c) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

400.6 TRAINING

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Training Officer.

Crime & Disaster Scene Integrity

404.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

404.2 CRIME SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Officers shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, the officer shall continue to do so until he/she is relieved by a supervisor or agency of jurisdiction.

404.2.1 First Responder Considerations

The following list generally describes the functions which the first responder should reasonably attempt to take at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation, the availability of resources, capacity of personnel and totality of each circumstance:

- (a) Ensure no suspects are still in the area.
- (b) Broadcast emergency information, including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Evacuate the location as required.
- (e) Secure the inner and outer perimeter if needed.
- (f) Protect items of apparent evidentiary value.
- (g) Identify potential witnesses.
- (h) Start a chronological log noting critical times and personnel allowed access.

404.2.2 Execution Of Health Orders

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

404.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should

Lake County Probation Department

Policy and Procedure Manual

Crime & Disaster Scene Integrity

thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

404.3.1 Consent

Officers should seek consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

Ride-Along Policy

408.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the Probation Department function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

408.1.1 Eligibility

The Lake County Probation Department Ride-Along Program is offered to residents, students and those employed within the County. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

408.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Chief Probation Officer. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number.

Persons under 18 years of age will not be permitted to participate.

If the ride-along is denied after the request has been made, a representative of the Probation Department will contact the applicant and advise him/her of the denial.

408.2.1 Program Requirements

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the probation officer's vehicle at a given time.

408.2.2 Suitable Attire

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the Probation Department vehicle. The Chief Probation Officer or any supervisor may refuse a ride along to anyone not properly dressed.

Ride-Along Policy

408.2.3 Ride-Along Criminal History Check

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Lake County Probation Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.D.3.).

408.3 DEPUTY PROBATION OFFICER'S RESPONSIBILITY

The officer shall advise the supervisor that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. Sheriff's Department Central Dispatch will be advised of the situation and as soon as practical have another Probation Department or law enforcement unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

408.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any probation equipment
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person
- (g) Members of the Board of Supervisors or the Media may engage in conversations with juvenile or adult clients if they have signed the appropriate waiver forms and if the clients and a parent (in the case of juvenile clients) have also signed the appropriate waiver forms.

Hazardous Material Response

410.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

410.1.1 Hazardous Material Defined

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

410.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when a deputy comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

410.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Lake County Probation Department

Policy and Procedure Manual

Hazardous Material Response

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

410.3.1 Supervisor Responsibility

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

Hostages & Barricaded Suspects

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

412.1.1 Definitions

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

412.2 POLICY

It is the policy of the Lake County Probation Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence. Hostage and barricade situations shall be turned over immediately to the law enforcement agency having primary jurisdiction.

412.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender. Such information shall be conveyed to a representative of the agency having primary jurisdiction as soon as practicable.

412.4 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Bomb And Explosive Device Incidents

414.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in dealing with incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration. Bomb threats or any other incidents involving a suspected explosive device shall be turned over immediately to the law enforcement agency having primary jurisdiction.

414.2 FOUND EXPLOSIVES/SUSPECT DEVICES

With an incident involving a suspected explosive device, the following guidelines should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (b) A minimum perimeter of 300 feet should be established around the device. An access point should be provided for support personnel.
- (c) As much information as is available should be promptly relayed to the Chief Probation Officer including:
 - 1. The stated threat.
 - 2. Exact comments.
 - 3. Time of discovery.
 - 4. Exact location of the device.
 - 5. Full description (e.g., size, shape, markings, construction) of the device.
- (d) The device should not be touched or moved except by qualified bomb squad personnel.
- (e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.
- (f) Consideration should be given to evacuating any buildings near the device.
- (g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

Bomb and Explosive Device Incidents

414.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, bloodborne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

414.3.1 Notifications

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

- (a) Fire Department
- (b) Bomb Squad
- (c) Additional officers
- (d) Field supervisor
- (e) Chief Probation Officer

414.3.2 Crowd Control

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

414.3.3 Scene Of Incident

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

414.4 BOMB THREATS RECEIVED AT PROBATION FACILITIES

This procedure shall be followed should a bomb threat call be received at Probation facilities.

Lake County Probation Department

Policy and Procedure Manual

Bomb and Explosive Device Incidents

414.4.1 Bomb Threats Received By Telephone

The following questions should be asked if a call of a bomb threat is received at Probation facilities:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at a Probations facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

414.4.2 Responsibilities

The employee handling the call shall ensure that the Chief Probation Officer is immediately advised and fully informed of the details. The Chief Probation Officer will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

Rapid Deployment Team Policy

422.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

422.2 POLICY

The policy of this department in dealing with the crisis situation shall be:

- (a) To obtain and maintain complete operative control of the incident.
- (b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.
- (c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).
- (d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.
- (e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

422.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding armed officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider:

- (a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.
- (b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
- (c) Whether the officers have the ability to effectively communicate with others in the field.
- (d) Whether planned tactics can be effectively deployed.

Lake County Probation Department

Policy and Procedure Manual

Rapid Deployment Team Policy

- (e) The availability of personnel with rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.
- (f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).
- (g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

Reporting Law Enforcement Activity Outside Of Jurisdiction

424.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting law enforcement activity while on or off-duty and occurring outside the jurisdiction of the Lake County Probation Department.

424.1.1 Assistance To Agencies Outside The County

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Chief Probation Officer.

424.1.2 Law Enforcement Activity Outside The County

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of Lake County shall notify his or her supervisor or the Chief Probation Officer at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Chief Probation Officer as soon as practical. Deputy Probation officers' law enforcement authority is governed by Penal Code Section 830.5 and their authority extends to any place in the state while engaged in the performance of the duties of their respective employment, and for the purpose of carrying out the primary function of their employment.

The supervisor shall determine if a report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the Chief Probation Officer.

Field Interviews & Photographing Of Field Detainees

438.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

All probationers will be photographed with the photo stored in the case file.

438.2 DEFINITIONS

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-Down Search - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

438.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion that criminal activity involving a probationer is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

Lake County Probation Department

Policy and Procedure Manual

Field Interviews & Photographing of Field Detainees

- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in the particular area is suspicious.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

438.3.1 Initiating A Field Interview

An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Lake County Probation Department to strengthen our community involvement, community awareness and problem identification.

438.3.2 Witness Identification And Interviews

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

Lake County Probation Department

Policy and Procedure Manual

Field Interviews & Photographing of Field Detainees

438.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.

438.5 FIELD PHOTOGRAPHS

Field photographs are defined as a photograph taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual are not considered "field photographs". Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

438.5.1 Field Photographs Taken With Consent

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

438.5.2 Field Photographs Taken Without Consent

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

Photographs may be taken of probationers at the lawful direction of a probation officer.

Lake County Probation Department

Policy and Procedure Manual

Field Interviews & Photographing of Field Detainees

438.6 SUPERVISOR RESPONSIBILITY

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

438.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and retained the case file explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Chief Probation Officer should review and forward the photograph to one of the following locations:

- (a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Chief Probation Officer will forward the photo and documents to the Gang Supervisor. The Gang Supervisor will ensure the photograph and supporting documents are retained as prescribed by Policy § 442.
- (b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Assistant Chief. These photographs will be purged as described in Policy § 440.7.1.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file.

438.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the Chief Probation Officer who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below.

438.8.1 Review Process

Upon receipt of such a written request, the Chief Probation Officer or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief Probation Officer, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief Probation Officer to disclose the reason(s) for the delay.

Lake County Probation Department

Policy and Procedure Manual

Field Interviews & Photographing of Field Detainees

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief Probation Officer or his/her designee to discuss the matter.

After carefully considering the information available, the Chief Probation Officer or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Lake County Probation Department policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief Probation Officer or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief Probation Officer or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Lake County Probation Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief Probation Officer or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original F/I was not obtained in accordance with established law or Lake County Probation Department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief Probation Officer or his/her designee determines that any involved Lake County Probation Department personnel violated existing law or department policy, the Chief Probation Officer or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

Criminal Street Gangs

440.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity as outlined in Penal Code §§ 186.20 through 186.33 of the "Street Terrorism Enforcement and Prevention Act."

The intent of this policy is to establish a procedure that will be used to develop a file of information and maintain this file so that the information contained therein may be used for enhancing criminal prosecution of criminal street gang participants.

440.2 DEFINITIONS

Pattern of Criminal Gang Activity - Shall mean the commission, attempted commission, conspiracy to commit, sustained juvenile petition for, or conviction of two or more of any offenses as described in Penal Code § 186.22(e).

Criminal Street Gang - Shall mean any on-going organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in Penal Code § 186.22(e), and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or have engaged in a pattern of criminal street gang activity.

Gang Related Crime - Shall mean any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang.

440.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

All Probation Officers shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

- (a) A group of three or more individuals shall be designated a criminal street gang when:
 - 1. They have a common name or common identifying sign or symbol
 - 2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts enumerated in Policy Manual § 442.2
 - 3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in Policy Manual § 442.2 of this policy
 - 4. A designated representative of the District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang
- (b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when one or more of the following elements have been verified by a Gang

Lake County Probation Department

Policy and Procedure Manual

Criminal Street Gangs

Information Unit member and a reasonable basis for believing such affiliation has been established and approved by a supervisor:

1. An individual admits membership in a criminal street gang
 2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang
 3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information
 4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise
 5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes
 6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang
- (c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

440.4 CRIMINAL STREET GANG TEMPORARY FILE

A file of criminal street gang participants shall include:

- (a) Names, aliases, monikers, addresses, and other relevant identifying information;
- (b) Gang name;
- (c) Justification used to identify an individual as a criminal street gang participant;
- (d) Vehicle(s) known to be used;
- (e) Cross references to other identified gangs or gang members.

440.5 FIELD CONTACTS

- (a) Field Interviews
 1. Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a memorandum or incident report and document the

Lake County Probation Department

Policy and Procedure Manual

Criminal Street Gangs

reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he or she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).

2. A copy of the report or memorandum should be routed to the case file or gang information file.
- (b) Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

440.6 INQUIRY BY PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the criminal street gang participant's file, such information shall be provided by the unit supervisor, unless the release of such information can be clearly shown to jeopardize an ongoing criminal investigation.

440.7 REVIEW AND PURGING OF GANG PARTICIPANT FILE

The file shall be reviewed annually by the unit supervisor. Each individual file having no entry indicating law enforcement contact for the preceding year's period shall be purged from the file and disposed of in accordance with the Department purge criteria.

Exception: In the event there is a legitimate law enforcement reason to retain the information in the file, an explanation for doing so shall be entered in the file by the unit supervisor. Files that are retained beyond the one-year period shall be reviewed every six months to determine if they should be purged.

440.8 DISSEMINATIONS OF THE FILE INFORMATION

Information from criminal street gang participant files may be furnished to Department personnel and other public law enforcement agencies only on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or in the investigation of gang-related crimes shall be released to members of this department and other law enforcement agencies.

Use Of Audio/Video Recorders

448.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings (see the Mobile Audio Video Policy).

448.2 POLICY

The Lake County Probation Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

448.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

448.4 MEMBER RESPONSIBILITIES

Members may activate the recorder during all field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

448.4.1 Surreptitious Use Of The Audio Recorder

California law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission. California law prohibits the recording of "confidential communications" without the consent of all parties involved (Penal Code § 632).

Probation Officers are not among the enumerated peace officers who may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record any conversation without a court order or authorization of the Chief Probation Officer.

Lake County Probation Department

Policy and Procedure Manual

Use of Audio/Video Recorders

448.4.2 Prohibited Use Of Portable Recorders

Members are prohibited from using department-issued portable recorders and recording media for personal use, and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of their supervisor. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

448.5 ACTIVATION OF THE AUDIO RECORDER

Members should activate the recorder during field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

448.5.1 Surreptitious Use Of The Audio Recorder

Members shall not surreptitiously record another department member without a court order or unless lawfully authorized by the Chief Probation Officer or the authorized designee.

448.6 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

Lake County Probation Department

Policy and Procedure Manual

Use of Audio/Video Recorders

448.6.1 Retention Requirements

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

448.7 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purposes.

448.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief Probation Officer or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

Foot Pursuit Policy

456.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

456.1.1 Policy

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

Probation Officers are expected to inform and cooperate with the local agency having jurisdiction in the event of a foot pursuit. Officers should be mindful of the fact that police officers and sheriff's deputies have more training, equipment and resources than the Probation Department. As such, officers are expected to heed the advice and/or directives of local agencies, regarding all aspects of the pursuit, up to and including termination of the pursuit.

456.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

Lake County Probation Department

Policy and Procedure Manual

Foot Pursuit Policy

- (a) Containment of the area.
- (b) Canine search.
- (c) Saturation of the area with patrol personnel.
- (d) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

456.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory
- (b) When the officer is acting alone.
- (c) When two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- (f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.
- (g) When the officer loses radio contact with the Sheriff's Office or Clearlake Police Department Dispatch or with backup deputies.
- (h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.

Lake County Probation Department

Policy and Procedure Manual

Foot Pursuit Policy

- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

456.4 RESPONSIBILITIES IN FOOT PURSUITS

456.4.1 Initiating Officer Responsibilities

Unless relieved by another officer, a supervisor, or a local law enforcement agency, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

- (a) Unit identifier
- (b) Location and direction of travel
- (c) Reason for the foot pursuit
- (d) Number of suspects and description
- (e) Whether the suspect is known or believed to be armed

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Sheriff's Department or Clearlake Police Department Dispatch Center of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

Lake County Probation Department

Policy and Procedure Manual

Foot Pursuit Policy

456.4.2 Assisting Officer Responsibilities

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

Sheriff's Department Dispatch personnel may initiate a "code-33". Upon initiation of this designation, all non-essential radio communication shall cease until the "code-33" is discontinued.

456.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Department Use of Force Policy.
- (e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Chapter 6 - Investigation Operation

Special Investigations Unit And Welfare Fraud Investigations

609.1 PURPOSE AND SCOPE

- (a) To define the authority, role, organization, and functions of the Probation Department's Special Investigations Unit.
- (b) To clarify the meaning of fraud in public social services programs (including public assistance).
- (c) To establish a basis for a sound and uniform relationship with law enforcement offices.
- (d) To establish basic standards for operations and procedures for fraud prevention and detection to ensure prompt and consistent action in situations where there are valid reasons to suspect fraud has been practiced.
- (e) To provide a flow of consistent and precise data on the extent of fraud and the status of work relating to its prevention, control and handling.

609.1.1 Authority

- (a) The Probation Department, in accordance with a current agreement with DSS, shall establish and maintain a Special Investigative Unit (SIU) consisting of Welfare Fraud Investigators and Supervisors.
- (b) The Probation Department will provide management and supervision over these positions. Personnel assigned to this assignment will cooperate with DSS eligibility workers and staff for the purpose of investigating referrals of suspected fraud in obtaining public benefits.
- (c) Welfare Fraud Investigators and Supervisors assigned to the SIU are defined as Peace Officers pursuant to PC 830.35, whose primary duties are to enforce the provisions of the Welfare and Institutions Code.
- (d) Welfare Fraud Investigators and Supervisors may carry County issued firearms upon written authorization from the Chief Probation Officer.
- (e) Welfare Fraud Investigators and Supervisors who carry County issued firearms shall comply with the policies and procedures of the Probation Department applicable to firearms.
- (f) The Probation Department shall notify the California Department of Social Services (CDSS) of those investigators exercising the option to carry firearms.

609.1.2 Department Roles

The Lake County Department of Social Services (DSS) is responsible for making all determinations as to eligibility or ineligibility for assistance and for establishing the amount of overpayment/overissuance where ineligibility for any benefit is found. The DSS is also responsible for preventing and discovering fraudulent actions by recipients to the furthest extent possible,

Lake County Probation Department

Policy and Procedure Manual

Special Investigations Unit and Welfare Fraud Investigations

and for taking prompt and decisive steps to investigate and establish the facts regarding any situation in which it appears possible that benefits are being received on the basis of incorrect, incomplete or false data. When the DSS has grounds to suspect that eligibility was established or an overpayment/overissuance of assistance, regardless of amount, was due to fraud, the DSS is responsible for referring the case to the Special Investigations Unit (SIU) for an investigation and, where evidence dictates, requesting a complaint from the prosecuting authority. SIU is responsible for working cooperatively with staff from DSS to fully and completely investigate cases of suspected fraud. At the request of the prosecuting authority, the SIU is responsible for providing documentary and physical evidence for use in criminal proceedings.

609.1.3 Organization

- (a) The SIU consists of Welfare Fraud Investigators and a first line Welfare Fraud Investigator Supervisor. The Supervisor reports to the Chief Deputy Probation Officer, Assistant Chief Probation Officer or the Chief Probation Officer as designated by the Chief Probation Officer.
- (b) The SIU consists of staff trained and qualified to prevent, detect, and investigate fraud and carry out investigations of other possible criminal activity within the purview of the DSS.

609.1.4 Functions

The functions outlined in this policy provide general guidelines regarding the functions of DSS staff for informational purposes only. Nothing in this policy dictates the practice, duties, or performance of non-Probation Department employees.

609.1.5 DSS Eligibility Workers

- (a) DSS staff and supervisors are responsible for determining eligibility and the correct amount of benefits for all recipients. They ensure that the applicant/recipient understands his/her responsibility for providing correct and complete data and for promptly reporting facts required for correct determination of eligibility and the amount of benefits. DSS staff also ensure that the applicant/recipient understands the penalties involved for misstating or not reporting relevant facts.
- (b) Program staff also take prompt action on information received and for relating information received or observed which may affect future eligibility or need.
- (c) DSS Staff who suspect fraud based on DSS criteria will refer such cases to the SIU for investigation.

609.1.6 SIU

- (a) Upon receipt of a request for investigation, the SIU shall conduct an investigation to determine if there are reasonable grounds to suspect that a crime (i.e., fraud, perjury, embezzlement, trafficking, etc.) against a public social services program has occurred.
- (b) The SIU shall maintain complete records on all fraud investigation activities for statistical reports to be submitted to CDSS.

Lake County Probation Department

Policy and Procedure Manual

Special Investigations Unit and Welfare Fraud Investigations

- (c) The SIU shall provide periodic refresher and special training in the prevention and detection of fraud to all program staff and first-line supervisors, utilizing curricula approved by the CDSS. It is recommended that new DSS employees receive a minimum of eight hours of such training during the first four months of their employment. Minimum adequate refresher training is considered to be four hours annually.
- (d) The fact of, or information concerning, a referral to the SIU shall not be disclosed to unauthorized persons.

609.1.7 Fraud

Definition of Fraud: Fraud exists when a person, on behalf of himself or others, has:

- Knowingly, and with intent to deceive or defraud, made a false statement or representation to obtain benefits, obtain a continuance or increase of benefits, or avoid a reduction of aid benefits.
- Knowingly, and with intent to defraud, failed to disclose a fact which, if disclosed, could have resulted in the denial, reduction or discontinuance of benefits.
- Accepted benefits knowing he/she is not entitled thereto, or accepted any amount of benefits knowing it is greater than the amount to which he/she is entitled.
- For the purpose of obtaining, continuing, or avoiding a reduction or denial of benefits, made statements which he/she did not know to be true with reckless disregard for the truth.

609.1.8 Factors To Consider During Investigations

The following factors should be considered and documented during fraud investigations:

- An overpayment/overissuance may have or has resulted from a recipient's failure to report information pertinent to eligibility or benefits.
- A questionable situation exists and the applicant/recipient or third party will not cooperate in providing necessary verification that affects eligibility or benefit amount.
- Conflicting information is discovered that could affect eligibility or benefit amount.
- Situations involving embezzlement, collusion, conspiracy, trafficking, blackmarketing or other general program violations.

This list of factors is not all-inclusive. Other factors may be discovered during an investigation. Such information should be investigated and included in the investigation report.

609.1.9 Criteria For Referring Cases For Criminal Complaints

Not all cases of suspected fraud warrant criminal prosecution. The threshold for proving fraud to the "beyond a reasonable doubt" standard is high. Many times, administrative sanctions are available through DSS staff that serve the purpose of recovering overpayments and disqualifying persons who intentionally violate public aid programs.

When the SIU refers a completed investigation to the prosecuting authority for an opinion as to prosecution, the prosecuting authority will make the decision as to whether or not a criminal

Lake County Probation Department

Policy and Procedure Manual

Special Investigations Unit and Welfare Fraud Investigations

complaint is to be filed, or whether additional investigation is to be conducted. In the event of prosecution, the SIU will track the action taken by the prosecuting authority and will also record the final disposition of each case.

The SIU should work with the District Attorney's Office to establish criteria for cases to be submitted for prosecution.

609.1.10 Arrests

Generally, arrests pursuant to 836 PC should not be made except in situations where an immediate arrest is necessary to:

- Prevent immediate physical harm to a person.
- Prevent destruction of property or evidence.
- Prevent the escape of a suspect or suspects whose identity is not known, or who could not reasonably be identified in the future.

Incidents involving physical violence, abuse of a child, and other crimes which are witnessed by SIU staff in the course of their duties shall be reported promptly to the proper law enforcement agency. SIU Investigators are mandated reporters and are required to report cases of suspected child abuse, elder abuse, and other violations of law in accordance with current statutes.

Arrests pursuant to warrants for violations of the Welfare and Institutions Code may be made by SIU personnel.

609.1.11 Crimes Not Involving Fraud

The regulations in this policy do not deal with all of the possible crimes that may be discovered by SIU personnel. Most crimes committed by persons attempting to unlawfully obtain benefits generally fall into two classes:

- A material misrepresentation is made under oath or under penalty of perjury, or
- A material misrepresentation is neither sworn to nor made under the penalty of perjury.

Cases in which the SIU has reasonable grounds to suspect that a material misrepresentation was willfully and knowingly made should be thoroughly investigated and promptly referred to the District Attorney's Office, even if the falsity of the statement was discovered before any overpayment/overissuance of benefits occurred. The District Attorney will then have the obligation to decide whether or not to take action and, if so, whether there should be prosecution for attempted theft, for perjury, or some other crime.

609.1.12 Obedience To Policy

SIU personnel and Probation Department personnel are required to adhere to all policies of the Probation Department. Additionally, they are required to adhere to all policies of the Department of Social Services that are applicable to the investigation of fraud in securing benefits from DSS, including the DSS policy concerning confidentiality of official information.

Brady Material Disclosure

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called *#Brady* information) to a prosecuting attorney.

612.1.1 Definitions

Definitions related to this policy include:

Brady information -Information known or possessed by the Lake County Probation Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The Lake County Probation Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Lake County Probation Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

612.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

Lake County Probation Department

Policy and Procedure Manual

Brady Material Disclosure

- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.
- (c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

Chapter 7 - Equipment

Department Owned And Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Chief Deputy, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief Probation Officer who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

Department Owned and Personal Property

700.3.1 Reporting Requirement

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 Damage By Person Of Another Agency

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the Chief Deputy.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The Lake County Probation Department allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall

Lake County Probation Department

Policy and Procedure Manual

Personal Communication Devices

consult with the Chief Probation Officer. All such searches shall be fully documented in a written report.

702.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee is expressly authorized by the Chief Probation Officer or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Carrying a personally owned PCD is a privilege, not a right.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) Employees shall promptly notify the Department in the event the PCD is lost or stolen.
- (d) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
- (e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
- (f) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief Probation Officer or the authorized designee.
- (g) Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with all telephone access numbers for the device.
- (h) Staff may not bring PCD's into housing, dining, or recreation areas of a juvenile detention facility without express authorization from the Superintendent.

Lake County Probation Department

Policy and Procedure Manual

Personal Communication Devices

If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisor to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

702.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (e) Officers are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief Probation Officer or the authorized designee, may result in discipline.
- (f) Employees will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

Lake County Probation Department

Policy and Procedure Manual

Personal Communication Devices

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty, as such contact may be compensable.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Employees shall not drive department vehicles while using a PCD, except as permitted by Vehicle Code Sections 23123 and 23123.5.

Employees may drive a department vehicle while using a PCD if that device is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.

702.9 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

- (a) Barricaded suspects
- (b) Hostage situations
- (c) Mobile Command Post
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political or community events
- (f) Investigative stakeouts
- (g) Emergency contact with an allied agency or allied agency field unit
- (h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

704.3 VEHICLE EQUIPMENT

- (a) Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.
- (b) Officers shall inspect the vehicle prior to use and ensure that the following equipment, at a minimum, is present in the vehicle:
 - 1. 4 Emergency road flares
 - 2. 1 First aid kit
 - 3. 1 Fire extinguisher
- (c) Employees are responsible for ensuring that any vehicle they utilize contains the above equipment.
- (d) Employees must notify an immediate supervisor if any of the above equipment is missing, damaged or inoperable.

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers shall not return a vehicle to service that has less than one-half tank of fuel. Vehicles shall only be refueled at the authorized location(s).

Vehicle Use Policy

706.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure County-owned vehicles are used appropriately. For the purposes of this policy, #County-owned# includes any vehicle owned, leased or rented by the County.

706.2 POLICY

The Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments and other considerations.

706.3 USE OF VEHICLES

County-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a County-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, [MDT/MDC] and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

706.3.1 Shift Assigned Vehicles

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged on the daily shift roster, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted on the daily shift roster.

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

706.3.2 Unscheduled Use Of Vehicles

Members utilizing a County-owned vehicle for any purpose other than their regularly assigned duties shall first notify the Chief Probation Officer of the reason for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

706.3.3 Authorized Passengers

Members operating County-owned vehicles shall not permit persons other than County members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

706.3.4 Parking

Except when responding to an emergency or other urgent official business requires otherwise, members driving County-owned vehicles should obey all parking regulations at all times.

County-owned vehicles should be parked in their assigned stalls. Members shall not park privately owned vehicles in any stall assigned to a County-owned vehicle or in any other areas of the parking lot that are not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3.5 Inspections

The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting officer shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

706.3.6 Privacy

All County-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.4 TEMPORARILY ASSIGNED TAKE-HOME VEHICLE

Members who have been assigned a temporary take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by the Chief Probation Officer and shall adhere to the following criteria:

- (a) The member must live within a 30-minute commute of his/her regularly assigned work location (based on average traffic flow). A longer response time may be permitted subject to Chief Probation Officer approval. Members who reside outside the permissible response time may be required to secure or garage the vehicle at a designated location or the central office at the discretion of the Chief Probation Officer.
- (b) Except as may be provided by a memorandum of understanding time spent during normal commuting is not compensable.
- (c) County-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances. The member may be required to maintain insurance covering any commuting or personal use.
- (d) The member may be responsible for the care and maintenance of the vehicle. The Department should provide necessary care and maintenance supplies.
- (e) The vehicle shall be parked in secure off-street parking when parked at the member's residence.
- (f) Vehicles shall be locked when not attended.

- (g) If the vehicle is not secured inside a locked garage, all firearms shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms and Qualification Policy regarding safe storage of firearms at home).
- (h) When the member will be away (e.g., on vacation) for periods exceeding one week the vehicle shall be stored in a secure garage at the member's residence or at the appropriate department facility.
- (i) All department identification, portable radios and equipment should be secured.

Members are cautioned that under federal and local tax rules, personal use of a County-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the Chief Probation Officer. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

706.5 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Lake County Probation Department, an officer should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

706.6 VEHICLE DAMAGE, ABUSE AND MISUSE

When a County-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see also Traffic Collision Reporting Policy).

When a collision involves a County vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death the supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

The member involved in the collision shall complete the County's vehicle collision form. If the member is unable to complete the form, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Chief Probation Officer. An administrative investigation should be initiated to determine if there is any vehicle abuse or misuse.

706.7 TOLL ROAD USAGE

County vehicles are not routinely exempted from incurring toll road charges. To avoid unnecessary toll road charges, all members operating a County-owned vehicle upon the toll road shall adhere to the following:

- (a) All members operating a County-owned vehicle for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.
- (b) All members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Chief Deputy within five working days explaining the circumstances.

Chapter 8 - Support Services

Property Procedures

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.3 PROPERTY HANDLING

Evidence and property seized by members of this agency shall be stored in accordance with the provisions of this policy. Evidence and seized property should be booked into evidence as soon as practical following its seizure. Evidence and property seized should not be stored in department vehicles, desks, file cabinets, or other unauthorized locations without express permission from a supervisor.

804.3.1 Property Booking Procedure

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right hand corner of the bag (or def name if case number unavailable).

Lake County Probation Department

Policy and Procedure Manual

Property Procedures

- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room, as approved by a supervisor. Submit the completed property record into a numbered locker indicating the location of the property.

804.3.2 Narcotics And Dangerous Drugs

- (a) The Property Officer will maintain a bound evidence log in the Property Room.
- (b) The bound evidence log contains the following:
 - 1. Court Case Number
 - 2. Address where obtained
 - 3. Name of submitting officer
 - 4. Date of seizure/acquisition
 - 5. Item number
 - 6. Description of item
 - 7. Location of item in the Property Room
 - 8. Date/Purpose/Location for removal from Property Room
 - 9. Date evidence returned
 - 10. Name of officer handling the evidence
- (c) The property record/receipt contains the following:
 - 1. Court case number
 - 2. Date of seizure/acquisition
 - 3. Date of submission to the Property Officer
 - 4. Address where obtained
 - 5. Name of submitting officer
 - 6. Item number
 - 7. Description of item
 - 8. Location of item in Property Room
 - 9. Date evidence was removed from the evidence room
 - 10. Purpose/location for the removal of the evidence
 - 11. Date the evidence is returned

Lake County Probation Department

Policy and Procedure Manual

Property Procedures

12. Name of officer handling the evidence

- (d) The chain of custody will show all movement of evidence. The temporary lockers are not considered the evidence room; therefore, the entry on the chain of custody will include the date the movement happened, the item number, where the evidence is going, and initials of the person releasing the evidence and initials of the person taking the evidence.

804.3.3 Explosives

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Chief Probation Officer. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the Probation facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

804.3.4 Property Receipts

When property is taken, a receipt must be given for the property taken (specify it in detail) to the person from whom it was taken or in whose possession it was found: or, in the absence of any person, a receipt must be left in the place where the property was found. It is the policy of the Lake County Probation Department to require receipts whenever evidence is given to an outside agency, i.e. District Attorney, Deputy DA, etc., or is used at a hearing and is retained by the Courts after the hearing or trial is concluded. The receipt shall contain the name and signature of the person and the agency taking possession of the evidence, a list of the evidence describing each item, evidence number, date, and the officer from whom the evidence was taken. The Property Officer shall enter the information into the Evidence Logbook and chain of custody.

If a property receipt is not properly completed, the evidence shall not be accepted into evidence by the Property Officer.

A copy of all property receipts will be placed in the individual case file.

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks

Lake County Probation Department

Policy and Procedure Manual

Property Procedures

- (f) Contraband

804.5 RECORDING OF PROPERTY

- (a) It is the responsibility of the Chief Probation Officer to ensure that his/her evidence room is inventoried annually. The inventory will be conducted by the Property Officer and a Supervisor or Chief Deputy. The inventory will consist of checking each evidence item against the Evidence Logbook. Sealed packages will not be opened during the inventory unless there is reason to believe that the contents do not match the description of contents on the package or the seal is broken.
- (b) Upon completion of the inventory, a memo to the Chief Probation Officer will be prepared and signed by the Property Officer and the person assisting in the inventory. This memo will detail the results of the inventory including a description of discrepancies found and steps taken to resolve the discrepancies.
- (c) An inventory of the evidence room will also be conducted whenever there is a change of Property Officer. This inventory will be completed before the new Property Officer assumes responsibility for the property room. The results of the inventory will be reported to the Chief Probation Officer in a memo prepared by the new Property Officer and signed by the Property Officer and the officer assisting in the inventory. The memo will identify discrepancies found during the inventory and steps taken to resolve those discrepancies.

804.6 PROPERTY CONTROL

804.6.1 Responsibility Of Other Personnel

The submitting Officer will include as much as possible of the following information on each evidence package, or tag in the event that the item is too big for packaging.

- (a) Court Case Number
- (b) Name of subject(s)
- (c) Name of submitting officer
- (d) Date of seizure
- (e) Location of seizure/address
- (f) Item number
- (g) Description of evidence within packaging, including weights of drugs seized
- (h) Appropriate chain of custody

A package may include more than one evidence item. Use packaging as close to size of evidence as appropriate. Controlled substances and marijuana will be packaged separately from any other evidence and will be identified as to type of contents and weights of each item. Evidence packaging shall be sealed, stored, and handled as described in the Lake County Probation Property and Evidence manual.

Lake County Probation Department

Policy and Procedure Manual

Property Procedures

Items such as firearms or other objects that are too large for available packaging materials will be marked with a tag instead, and will contain the same information as outlined above.

804.6.2 Transfer Of Evidence To Crime Laboratory

When evidence is returned to the Property Officer from Court, the containers, if open, will be resealed by the officer returning the evidence. If the contents of the container or package are different from when they were taken to Court, a notation of the discrepancy will be made on the package/container by the Officer. The Property Officer will enter these into the Property Record/ Receipt and the Evidence Log. These will also include the location of the missing evidence if known. If Court retains items a receipt will be required (E.3)

804.6.3 Status Of Property

- (a) It is expected that in every case, the destruction of evidence collected by Lake County Probation Department will be done in association with the Lake County Narcotics Task Force or Lake County Sheriff's Department. The following narrative is to let you know what to expect during the process.
- (b) When controlled substances held in the evidence room locker are no longer required as evidence in the prosecution or appeal of a case, and upon receipt of a Court order, they shall be removed from the evidence area and destroyed.
- (c) An officer shall assist and be present as a witness at all times when the Property Officer is preparing evidence for and during the destruction.
- (d) When evidence items are destroyed, the entry of the destruction date and the Property Officer's initials will be made on the appropriate evidence log sheet and Property Record/ Receipt sheet. Additionally, a listing of all evidence destroyed and the related case number will be prepared, signed by the Property Officer and the witnessing officer, original copy to be kept in the Property Room destruction file book, a second copy to the Chief Probation Officer.
- (e) In Cases where controlled substances are turned over to the Lake County Probation Department for destruction which have not been introduced in any Court Proceedings and are not to be used in any prosecution, such as found evidence, medications of deceased persons, for destruction per Officer, etc., the Property Officer accepting delivery of the controlled substances shall record full information in the evidence log reflecting the date received, name of the person from whom received, and description of the item(s). This type of material may be destroyed in the usual manner after Court orders are obtained.

804.6.4 Authority To Release Property

- (a) Material and paraphernalia seized by the Lake County Probation Department which, after research by the Property Officer and with the consent of the Chief Probation Officer has been found to have no value as evidence may be destroyed or returned. Prior to the return or destruction of the materials, the Property Officer shall obtain necessary Court orders.

Lake County Probation Department

Policy and Procedure Manual

Property Procedures

- (b) Following destruction or return of the material, the date, time, place of release or manner of destruction will be entered on the Property Record/Release by the Property Officer. A memo will be prepared to the Chief Probation Officer by the Property Officer and signed by the witnessing Officer stating to the above.
- (c) The date of destruction and the Property Officer's initials will be entered on the appropriate evidence log sheet and chain of custody.

804.6.5 Release Of Property

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A property officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card shall be filed with the case. If some items of property have not been released the property card will remain with the Evidence Room. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 12021.3(e).

The Evidence Room Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

Property Procedures

804.7 DISPOSITION OF PROPERTY

804.7.1 Exceptional Dispositions

When photographs are taken during an investigation, the responsible Officer will ensure that a set of photographs or the undeveloped film is submitted to the Property Officer and retained as evidence. Photographs/undeveloped film taken during an investigation are evidence and shall be treated accordingly. The responsible Officer shall ensure that the photographs/undeveloped film are accompanied by the camera record sheet which contains:

- (a) Case number
- (b) Crime charge
- (c) Date/Time
- (d) Victim, if known
- (e) Suspect, if known
- (f) Location photo taken
- (g) Film frame number
- (h) Officer taking photo

804.7.2 EVIDENCE TAPES

In the event that audio and/or videotapes/recordings are made during an investigation, witness interviews and interrogations, they are considered evidence and shall be treated accordingly. The Officer shall ensure that each tape and evidence envelope is labeled with the case number, date, time, subject of recording, and evidence item number. **Tapes will be packaged separate from all other evidence.**

When submitted to evidence the Property Officer will ensure that video and audio tapes are stored away from any magnetic or electronic field that could damage the tapes.

804.7.3 Retention Of Biological Evidence

The Evidence Room Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The appropriate Chief Deputy

Biological evidence shall be retained for a minimum period established by law (Penal Code § 1417.9), the Evidence Room Supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should

Lake County Probation Department

Policy and Procedure Manual

Property Procedures

be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the appropriate Chief Deputy.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief Probation Officer and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of an applicable statute of limitations, the appropriate Chief Deputy should be consulted and the sexual assault victim should be notified.

804.7.4 Firearms - Seized/Safekeeping/Found/Voluntary Turn-In

- (a) It is expected that most illegal firearms will be turned over to the local agency with jurisdiction for prosecution as a fresh offense as soon as possible. If for any reason that is not possible, the following procedure is to be followed.
- (b) Firearms which come into control of the Lake County Probation Department will be marked for identification and have evidence tags attached. The firearms will be checked by the responsible Officer through CLETS and NCIC for status. The Officer responsible for running the NCIC check will make a notation on the evidence tag attached to the weapon that an NCIC check was made and the results of that check. In addition to the NCIC check made at the time of the acquisition of the firearm, the Property Officer will run another NCIC check of the status of the firearm prior to its disposal to determine if the firearm had been reported stolen subsequent to its seizure. The NCIC printouts will be placed in the case file.
- (c) All firearms identified as stolen shall be entered in the Automated Firearms System as being located. A copy of the report will be filed in the case file.
- (d) The responsible Officer will notify, by letter or FAX, the responsible agency that the stolen weapon has been recovered by the Lake County Probation Department. A copy of this notification will be placed in the case file.
- (e) **All firearms shall be unloaded prior to being received by the Property Officer; this includes B-B guns.** It is the responsibility of both the Officer submitting the weapon and the Property Officer to ensure that the weapon is unloaded. Ammunition should be packaged separately from other evidence and clearly marked as such and proper precautionary measures will be taken during storage and handling.
- (f) The firearms will be turned over to the Property Officer for storage in the firearms section of the Property Room.

Lake County Probation Department

Policy and Procedure Manual

Property Procedures

- (g) **Domestic Violence Weapons** - Any item seized in a domestic violence incident that is subject to withholding from the suspect per law upon convictions will be notified by certified letter of that fact. It will be their responsibility to contact the Court if return is requested.

804.7.5 Disposition Of Firearms

When firearms are no longer required as evidence or voluntarily turned in for destruction, the Property Officer shall prepare a certified letter to the defendant that they are available for return and the conditions for that return. The Property Officer shall prepare and submit all the necessary papers to the District Attorney and the Courts requesting destruction orders.

Upon receipt of a Court order, the Property Officer shall:

- (a) If stolen, return the firearm to the agency having the stolen report.
- (b) The evidence log sheet and chain of custody sheet shall note the agency receiving the weapon(s) as well as the date and time of such delivery. This notation shall also include the name, title, and employing agency of the person receiving the item(s). Upon delivery, a property receipt shall be prepared and signed. This receipt will be placed into the case file.
- (c) Dispose of firearms as the rate of accumulation dictates, but at least annually. The Evidence Log sheet and Property Record/Receipt sheet will contain the date of destruction, be stamped "destroyed," and the entry shall be initialed by the Property Officer. One copy of the Court order will be filed in the case file; the original will be placed in the Property Room Weapons Destruct Binder.
- (d) Should the Chief Probation Officer decide, after a case has been adjudicated, that rather than destroy the firearm it should be placed into service by the Department, he/she shall see that the proper Court Orders are obtained and the weapon is placed into the Lake County Probation Department equipment inventory. The necessary Court papers will be placed in the Property Room Weapons Binder.
- (e) All destroyed or retained firearms shall be entered accordingly into the CLETS system. A copy of the CLETS printout shall be placed in the case file.
- (f) No weapons will be sold or traded. Weapons will be either destroyed or used by the Lake County Probation Department.

804.7.6 Return Of Firearms To Private Individuals

- (a) When a private individual requests the return of a seized firearm, the Property Officer and Chief Probation Officer will ensure the following procedures are implemented prior to obtaining a Court Order to release the firearm and prior to the release of the firearm. Court Orders are not required for weapons seized for safekeeping in cases involving suspects where it is in their best interest to retain weapons for 72 hours.
- (b) The requesting individual must present information/evidence that supports the individual's claim to the firearm.

Lake County Probation Department

Policy and Procedure Manual

Property Procedures

- (c) The status of the firearm(s) must have been checked as required by Evidence/Property Manual E.12. If the requirements of Section E.12 have been met, and there is nothing found in the status of the firearm to prohibit its release, and no information has been developed concerning the person requesting the return of the firearm that prohibits possession of a firearm by that individual, the firearm **may still not be released** until that person has been cleared by the DOJ Firearms Clearance Unit.
- (d) It is not necessary to check the individual through the Firearm's Clearance Unit to deny return of a firearm if information is developed by the Lake County Probation Department that the individual is prohibited from possessing a firearm, I.D., local felony conviction or certain domestic violence misdemeanor convictions. The Property Officer will check the convictions with the Penal Code for updated charges.

- (e) To have a person checked by the Gun Denial Review Unit, the Property Officer will complete the Lake County Probation Department request form concerning the individual and FAX the form to:

California Department of Justice
Gun Denial Review Unit
Sacramento, California 94203
FAX Number: (916)227-3744
Phone Number: (916)227-3659
Attn: Claudia Beard

- (f) If the Gun Denial Review Unit finds no barrier to the individual possessing a firearm, and no other information has been developed prohibiting return of the firearm, the firearm may be released to the individual after the required Court Order is obtained and a receipt is completed. The receipt, Court Order, and the returned form shall be placed in the case file.
- (g) If the firearm has not been registered to the individual with the State of California, the person who released the firearm may suggest to the individual that they voluntarily register the firearm and provide them with the proper forms. **It is not mandatory for them to register the firearm (Long guns only.) This should be done as a SUGGESTION ONLY.**
- (h) If the Gun Denial Review Unit finds that the individual can not possess a firearm, the individual will be advised of that finding by the Property Officer and will be denied return of the firearm. If the individual still wishes to pursue the return he will be advised to file with the Court in which he was convicted of the crime prohibiting the possession of a firearm for the return of the firearm. They will be given the time frame allowed by law to complete this

Lake County Probation Department

Policy and Procedure Manual

Property Procedures

before the firearm is destroyed according to law. All correspondence, phone calls or verbal conversation and records pertaining to their request will be placed in the case file.

804.7.7 Disposition Of Stolen Property

When Lake County Probation Officers discover stolen property, the property shall be seized by the Officer. The Deputy Probation Officer will first make an attempt to turn this property over to a local law enforcement agency of jurisdiction. If that is not possible, the property shall be marked as evidence and submitted to the Property Officer. It is the responsibility of the Case Officer to ensure that the individual or agency reporting the theft is notified of the property recovered.

Unless the property is to be used in the prosecution of a case, the property shall be released to the reporting agency or rightful owner as soon as possible. If the property is used for prosecution, upon adjudication of the case, the property shall immediately be released to the reporting agency or owner. In either situation, appropriate entries will be made on the evidence log and the Property Record/Receipt sheet and entered into the automated evidence system if required, and property receipts will be obtained from the receiving agencies or individuals. Copies of the property receipts will be placed in the case file.

804.7.8 Found Property

- (a) In the event that a civilian turns found property over to an officer, the Officer will fill out a Found Property Affidavit at the time of acceptance of the item(s) and have the person involved fill in and sign the affidavit stating whether or not they wish to claim the item(s) at a later date as provided by law.
 - 1. A copy of the affidavit will be placed with the Property Record/Receipt when entering into Evidence.
 - 2. It is the Officer's responsibility when any property that is found or turned in to them as found, I.D., wallets, purses, anything containing a form of traceable I.D., the Officer will attempt to contact the individual identified before the item is put into the temporary locker.

Lake County Probation Department

Policy and Procedure Manual

Property Procedures

3. The officer will attach a note containing the individual's name, address, phone number and results of his attempt.
 4. If the Officer has been unsuccessful in his attempt, the Property Officer will attempt contact.
- (b) In the event a Probation Officer receives or locates found property or contraband, he/she will bring said property or contraband to the Probation Office, and store it in a locked evidence locker, and complete a case file.
- (c) In either case, the Property Officer will then log it in the same manner as a regular case and indicate its final disposition. The Property Officer will make a copy of the disposition form and maintain it in the pending destruction file. The property/contraband will be disposed of at the next evidence destruction after appropriate Court Orders (if requested) are obtained. The original Disposition form will be put in the case file. Upon destruction, the Property Officer will file a copy of the destruction order in the case file. It will also be listed in the destruction memo to the Chief Probation Officer.
- (d) **Found items under \$250.00 value**, the finder may claim ownership after ninety (90) days if not claimed.
- (e) **Items over \$250.00 value** can be claimed after ninety (90) days if after public notice is published in the local paper with no response after seven (7) days of publication and payment of publication costs.

804.7.9 For Destruction Only

Property marked FOR DESTRUCTION ONLY will be disposed of at the earliest opportunity. It is the reporting Officer's responsibility to photograph the property if it is determined that it may be needed for later use.

804.8 BOOKING EVIDENCE

- (a) Once a Deputy Probation Officer processes evidence, seals and initials the container, he/she places the evidence into an available Evidence Holding locker. The Deputy Probation Officer will then see that the evidence is released to the Property Officer or backup Property Officer for processing. The Property Officer is responsible to see that evidence seized by Deputy Probation Officers does not remain in evidence holding lockers beyond two working days unless under unusual circumstances and only with prior approval of the Chief Probation Officer. Deputy Probation Officers can secure evidence in the evidence holding locker marked "**Evidence**" to clear evidence from their personal holding locker. Once evidence is placed in the locker marked "**Evidence**" Deputy Probation Officers no longer have access to the evidence except through the Property Officer. The locker remains locked until the Property Officer removes the evidence to log it in the evidence control logbook under the appropriate evidence number, seizure date, date to evidence, defendant(s), agent, and location of seizure. All evidence will be logged in by numerical order as much as feasible.

Lake County Probation Department

Policy and Procedure Manual

Property Procedures

- (b) The evidence room location will be assigned each item. **Controlled substances (CS)** stored in locked cabinet. **Non-controlled substances (NCS)** stored in regular file cabinets. Any NCS items too large for manila envelopes will be bagged or boxed and marked as "**Shelf**" and stored by evidence number and year on wall shelves. All will be stored by numbers for the year entered into evidence. **Handguns** will be marked gun cabinet (**GC**) and stored in locked orange cabinet. **Long guns** will be marked gun shelf (**GS**) and stored in wall gun racks. Any ammo seized that was in a weapon at the time of seizure will be attached to the weapon in a separate envelope if at all possible in a clear plastic container.
- (c) During the processing of evidence, the Property Officer will make sure each package (i.e.: DOJ manila envelope, brown paper bag, or box) is marked with the proper case number, evidence number, suspects name, date, location, agent, type of evidence and chain of custody. The package is to be taped/sealed and marked with Deputy Probation Officer's short description of the item. If items are drugs, they must have the weight of each item. Chain of custody must be filled out on all items submitted to evidence. Once all evidence is logged, the Property Officer and the case Probation Officer will review all entries for correctness and agent will initial the cross-checked space.
- (d) The Property Officer will generate a copy of the report and give to the reporting Probation Officer. Original copy will be lodged in the case file. The evidence item is then placed back in Lake County Probation Department evidence.

804.8.1 Chemicals, Contaminated Items, Or Explosives

These items shall not be stored in the Probation vault. Evidence items shall be disposed of according to law and their hazardous potential determined by the Chief Probation Officer. Storage for bulk items not capable of being stored in the Probation evidence vault should be cleared by the Chief Probation Officer. Items stored will be so noted in the Probation log by case number and location. When destroyed or released, the evidence logbook will specify type and disposition of items, dates and to or by whom.

When a large amount (one pound or more) of marijuana is discovered and seized, request assistance from local agencies or the Narcotics Task Force for prosecution and storage.

804.8.2 Consumable Goods And Perishable Items.

Consumable goods and perishable items, other than drugs, shall not be stored in the Probation Evidence Room. Such items, if seized as evidence, shall be photographed and disposed of. Any and all photographs shall be included with the case notes and relevant reports.

804.9 CASE DISPOSITION/EVIDENCE DESTRUCTION

- (a) Each case must be researched before the evidence is destroyed. The Probation secretary receives a Disposition Form from the Court for each case. It is then filed in the appropriate file. If there are **no charges** to be filed against a suspect or case is **not** to be submitted to the District Attorney's Office, mark the form appropriately and make a copy of it and put into case file. When a case is filed with the DA's Office, the Probation Officer will bring back

Lake County Probation Department

Policy and Procedure Manual

Property Procedures

the Report Filing Receipt and the Probation secretary will file in case file, then note on the Disposition Form that the case was filed.

- (b) All suspects' cases must be researched at least every six (6) months for status and must be adjudicated prior to destruction. Make copies of disposition/Evidence forms that you are to research. The Property Officer may make a list of up to twenty Probation cases to be researched for disposition at any one time by the Court Clerk. The Property Officer will take the list and copies of each defendant's disposition sheet to the Superior Court Clerk's Office, and contact a Deputy Clerk. She will take the list and incorporated copies and research the disposition of each case including Municipal Court cases. The Deputy Clerk will also attempt to obtain dispositions on South County cases. If South County is unable to provide the information, she will refer the Property Officer to a contact person. The Property Officer will make sure that the copies of dispositions have appropriate boxes marked for the information requested. Upon completion of the Disposition by the Superior Court clerk, they will notify the Property Officer. The Property Officer will obtain the dispositions and proceed accordingly. Before evidence can be destroyed, the Property Officer must check with the Court Clerk in which the suspect was convicted to see if there is an appeal pending. The defendant has **sixty (60)** days after sentencing on felony charges or thirty **(30) days** on misdemeanor charges to file an appeal. If suspect was cited out and no complaint filed with the DA's Office, you will need to contact the Court Clerk in which the cited case was heard.
- (c) If there is a **bench warrant** or **arrest warrant** on any suspect in a case; **evidence cannot be destroyed** unless approved by a Deputy District Attorney and the Chief Probation Officer. If the case is still **pending an appeal**, the **evidence cannot be destroyed**. When contacting the Court Clerk's Office for the purpose of filing a destruction order, be sure to have the defendant's name and the Court Case Number. The destruction Orders must be filed with the court of conviction. In Lake County there are four (4) Superior Courts.
- (d) To destroy most evidence, the Property Officer must prepare and obtain a signed court order. Court orders must be signed by the District Attorney, the Property Officer, and the presiding Judge in the Court of adjudication. All copies of the Court Orders must be signed in the Order. When the Court Orders are file, the Court Clerk will notify you that they are ready to be picked up. Once the Court Order is signed and filed, the evidence is pulled and placed in destruction boxes by the Property Officer and a witnessing Probation Officer. All evidence items to be destroyed are listed on a memo prior to separation of "controlled substances" (CS) and "non-controlled substances" (NCS). They are then separated and disposed of as follows:
 - 1. All drugs (CS) and needles are destroyed by incineration. The Property Officer and a Probation Officer will transport the evidence and put into the incinerator. NCS are destroyed as much as possible before transporting to a dump disposal site. They are placed into a pit, crushed and loaded into a trailer for burial. **Note:** A Witnessing Agent must be present during all destructions.

Lake County Probation Department

Policy and Procedure Manual

Property Procedures

2. All weapons must have certified notification sent to suspects stating circumstances of acquisition, time limit and stipulations for claiming and returned response, if any. All weapons must be run through the Automated Firearms System (AFS) prior to destruction. Weapons to be destroyed will be cut into pieces at a pre-designated place, and then taken to a dump-site for disposal per NCS policy. All weapons must be entered in the AFS as destroyed and a printout placed in case file. Entries will be made in the evidence log noting destruction.
- (e) A confirmation of destruction is submitted in memo form to the Chief Probation Officer listing case number, evidence number, and items destroyed. This confirmation will be signed by the Property Officer and Witnessing Agent. The original goes to the Chief Probation Officer, and the copy is kept in the Property Officer's destruction files. The Property Officer will complete a separate memo as directed above for each item of classification, i.e., controlled substances, non-controlled substances, and weapons.

Release Of Records And Information

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law.

810.2 PUBLIC REQUESTS FOR RECORDS

The California Public Records Act (Government Code § 6250, et seq.) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute. Public requests for records of this department shall be processed as follows:

810.2.1 Processing Of Requests

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written request for each record sought and paying any associated fees (Government Code § 6253).

The processing of requests is subject to the following limitations:

- (a) The request shall be forwarded to the Chief Deputy or his/her designee for processing.
- (b) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Chief Probation Officer or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party (Government Code § 6253(c)).
- (c) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

Requests by elected officials for records that are not open to public inspection should be referred to the Assistant Chief for a determination as to whether the records will be released.

810.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

810.3.1 General Case And Crime Reports

Reports containing any of the items listed below will not be released:

- (a) **Victim information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code § 293) shall not be made public. No employee shall disclose to any arrested

Lake County Probation Department

Policy and Procedure Manual

Release of Records and Information

person or to any person who may be a defendant in a criminal action the address or telephone number of any person who is a victim or witness in the alleged offense, unless it is required by law (Penal Code § 841.5).

- (b) **Confidential information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.
 - 1. Analysis and conclusions of investigating deputies may also be exempt from disclosure.
 - 2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.
- (c) **Specific crimes** - Certain types of reports involving, but not limited to, **child abuse/molestation** (Penal Code § 11167.5), **elder abuse** (Welfare and Institutions Code § 15633) and **juveniles** (Welfare and Institutions Code § 827) shall not be made public.
- (d) **General information** - Absent statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
- (e) **Deceased juvenile crime victims** - The Code of Civil Procedure § 130 limits the dissemination of autopsy and private medical information concerning a murdered child by allowing families to request that the autopsy report of the victim be sealed from public inspection. Such requests shall be honored, with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

810.3.2 Arrest Reports

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, County Counsel or the courts pursuant to Penal Code § 1054.5.

Local criminal history information including, but not limited to, arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

810.3.3 Personnel Records

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 6254((c)); Penal Code § 832.7; Penal Code § 832.8).

Lake County Probation Department

Policy and Procedure Manual

Release of Records and Information

Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code § 1043, et seq.).

The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief Probation Officer or as required by law.

810.4 OTHER RECORDS

Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege or to the security of the department's electronic technology systems (Government Code § 6254(k); Government Code 6254.19).

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure (Government Code § 6255).

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure (Government Code § 6254(b)).

810.4.1 Personal Identifying Information

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

810.5 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.6 RELEASED RECORDS TO BE STAMPED

Each page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped in red ink with a departmental stamp identifying the individual to whom the record was released.

California Law Enforcement Telecommunications System (CLETS)

811.1 CLETS REQUIREMENTS

Employees of the Lake County Probation Department shall comply with the following policy:

- (a) Only authorized users will access/use the CLETS system
- (b) Authorized users shall be designated by the Chief Probation Officer
- (c) Employees shall complete all required training prior to accessing CLETS
- (d) Employees must have both the right to know and need to know criminal history information
- (e) Criminal history information may only be used for the purpose of criminal investigation
- (f) All employees shall read and sign the CLETS Employee Statement Form
- (g) Any misuse of the CLETS system or information may result in immediate dismissal
- (h) Violation of law pertaining to CLETS may result in criminal and/or civil action
- (i) A case number must be entered in the RTE field of a RAP request
- (j) All RAP requests must be entered in the CLETS log book
- (k) When requesting adult information pertaining to a juvenile matter, you must enter both the adult and juvenile names in the CLETS log book.

Criminal Offender Record Information (CORI)

813.1 PURPOSE & SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

813.2 AUTHORITY

This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Code of Regulations. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

813.3 DEFINITIONS

Criminal Offender Record Information - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any LCP documents containing a list of prior arrests.

Criminal Justice Agency - A public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know - Persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - A necessity exists to obtain CORI in order to execute official responsibilities.

813.4 AUTHORIZED RECIPIENTS OF CORI

CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

813.4.1 Criminal Record Security Officer

The Adult Division Chief Deputy is the designated Criminal Record Security Officer for the Lake County Probation Department and is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CORI.

Lake County Probation Department

Policy and Procedure Manual

Criminal Offender Record Information (CORI)

813.4.2 Release Of Cori

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Criminal Records Security Officer
- (b) The Chief Probation Officer
- (c) Personnel specifically designated by the Chief Probation Officer

813.4.3 Release Of Cori To Field Personnel

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

813.5 JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

813.6 REVIEW OF CRIMINAL OFFENDER RECORD

Penal Code §§ 11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

813.7 PROTECTION OF CORI

CORI shall be stored with the Chief Deputy where constant personnel coverage will be provided. CORI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CORI stored in the Chief Deputy's office shall be restricted to the personnel authorized to release it. Direct access to CORI stored in desks, file cabinets, and rooms outside the Chief Deputy's office shall be restricted to those persons who possess both the right to know and the need to know the information.

Lake County Probation Department

Policy and Procedure Manual

Criminal Offender Record Information (CORI)

813.7.1 Computer Terminal Security

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the CLETS room to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

813.7.2 Destruction Of Cori

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

813.7.3 Custodian Of Criminal Records

The Chief Deputy or his/her designee, unless otherwise directed by the Chief Probation Officer, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Chief Deputy may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Custodian of Criminal Records will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

813.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer.

813.9 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Lake County Probation Department

Policy and Procedure Manual

Criminal Offender Record Information (CORI)

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

Confidentiality Policy

814.1 PURPOSE AND SCOPE

It is the policy and procedure of the Lake County Probation Department that all information, records and documentation concerning juvenile and adult offenders are confidential, as required by law and existing practice. This includes, but is not limited to, custodial status, pending allegations, and probation status. Such information shall not in any way be divulged without legal authorization.

814.2 PROCEDURE

No member of the probation department shall deliver, copy, or remove records from the probation department without prior written authorization from the Chief Probation Officer, Assistant Chief Probation Officer or Juvenile Division Chief Deputy.

814.2.1 Exceptions

- (a) Pursuant to job assignments such as meetings, court appearances or assigned field work activities.
- (b) Special permission is granted, in writing, from the Chief Probation Officer for the purpose of participating/completing work-related activities.
- (c) Identifying information can be provided to law enforcement agencies that are conducting a lawful investigation, pursuant to current law.

814.3 STAFF RESPONSIBILITY

When staff are allowed to take records outside of the department, it is their responsibility to ensure that confidentiality is not breached. Example: If staff are authorized to work overtime at home on confidential records, it is their responsibility to ensure that individuals not connected with the department do not view/possess such records.

The mere fact that a juvenile is in custody or that he/she is on probation is in itself confidential, and of course more specific information cannot be shared with the public, relatives or friends. Each staff member is responsible for maintaining the confidentiality of every offender, which includes everything within their records.

No confidential information shall be divulged to defense attorneys, private investigators or other similar agents, without prior authorization from the Chief Probation Officer or Assistant Chief Probation Officer. The attorney of record in each individual case is of course entitled to certain documents, pursuant to current law.

All subpoenas for records should be turned over to the Chief Probation Officer or his/her designee. Records shall not be provided simply because a subpoena has been issued. Even court orders for juvenile records shall be reviewed by the Chief Probation Officer or Assistant Chief Probation Officer before they are released.

Computers And Digital Evidence

816.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

816.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, deputies should document the following in related reports:
 1. Where the computer was located and whether or not it was in operation.
 2. Who was using it at the time.
 3. Who claimed ownership.
 4. If it can be determined, how it was being used.

Computers and Digital Evidence

- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

816.2.1 Business Or Networked Computers

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

816.2.2 Forensic Examination Of Computers

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

816.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Evidence Room to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

Computers and Digital Evidence

816.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

816.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

816.5.1 Collection Of Digital Evidence

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

816.5.2 Submission Of Digital Media

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Evidence Room as soon as possible for submission into evidence.
- (b) Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.
- (d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.

Lake County Probation Department

Policy and Procedure Manual

Computers and Digital Evidence

- (e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

816.5.3 Downloading Of Digital Files

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

816.5.4 Preservation Of Digital Evidence

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Lake County Probation Department
Policy and Procedure Manual

Chapter 9 - Custody

Custody Searches

900.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent department procedures which conform to Penal Code § 4030 regarding pat-down, booking and strip searches of pre-arraignment detainees.

900.2 DEFINITIONS OF SEARCHES

Pat-Down Search - This is the normal type of search used by deputies in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the prisoner, or other prisoners.

Booking Search - This search is used in the jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (Penal Code § 4030(d)(2)). This includes monitoring of an arrestee showering or changing clothes where the arrestee's underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person (Penal Code §§ 4030(d)(1) and 4030(d)(3)).

900.3 PAT DOWN SEARCHES

When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any department vehicle, an officer should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, it is recommended that a witness officer be present during any pat-down search of an individual of the opposite sex as the searching officer.

900.5 PHYSICAL BODY CAVITY SEARCH

- (a) No person arrested on a misdemeanor or infraction shall be subjected to a body cavity search without a search warrant (Penal Code § 4030(h)).
- (b) A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative (Penal Code § 4030(i)).
- (c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or Level II Emergency Medical Technician (EMT) may conduct a physical body cavity search (Penal Code § 4030(k)).
- (d) Except for the above mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

900.6 TRAINING

The Training Manager shall ensure members have training in, at a minimum (28 CFR 115.115):

- Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
- Conducting cross-gender searches.
- Conducting searches of transgender and intersex prisoners.

Prison Rape Elimination

902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees or prisoners in the Lake County Probation Department Holding Facilities (28 CFR 115.111).

902.1.1 Definitions

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee, prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above

- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee, prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee, prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

902.2 POLICY

The Lake County Probation Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Lake County Probation Department will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

902.3 REPORTING SEXUAL ABUSE AND HARASSMENT

Detainees or prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees and prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.3.1 Member Responsibilities

Department members shall accept reports from detainees, prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Chief Probation Officer any knowledge, suspicion or information regarding:

- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against detainees or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

902.3.2 Chief Probation Officer Responsibilities

The Chief Probation Officer shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Chief Probation Officer shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee or prisoner was sexually abused while confined at another facility, the Chief Probation Officer shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Chief Probation Officer shall document such notification (28 CFR 115.163).

If an alleged detainee or prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

902.5.1 First Responders

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical
- (d) evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- (e) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer, the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

902.5.2 Investigator Responsibilities

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the Lake County Probation Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee or prisoner sexually abused another detainee or prisoner in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5.3 Administrative Investigations

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

902.5.4 Sexual Assault And Sexual Abuse Victims

No detainee or prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Detainee or prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.5.5 Conclusions And Findings

All completed investigations shall be forwarded to the Chief Probation Officer, or if the allegations may reasonably involve the Chief Probation Officer, to the Presiding Judge. The Chief Probation Officer or Presiding Judge shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees or prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief Probation Officer shall take appropriate remedial measures and consider whether to prohibit further contact with detainees or prisoners by a contractor or volunteer.

902.6 RETALIATION PROHIBITED

All detainees, prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Chief Probation Officer or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Chief Probation Officer or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees, prisoners or members who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The staff member

shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

902.7 REVIEWS AND AUDITS

902.7.1 Incident Reviews

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief Probation Officer and the PREA Coordinator. The Chief Probation Officer or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 Data Reviews

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Chief Probation Officer and made readily available to the public through the department website or, if it does not have one, through other means. Material

may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Lake County Probation Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

902.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

902.9 TRAINING

All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Manager shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and the right of detainees and prisoners to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees and prisoners are most vulnerable.
- The right of detainees, prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees and prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.

- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Manager shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

Chapter 10 - Personnel

Recruitment And Selection

1000.1 PURPOSE AND SCOPE

The employment policy of the Lake County Probation Department shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Lake County Department of Human Resources.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

1000.2.1 Veteran's Preference

Qualifying veterans of the armed forces of the United States shall receive a veteran's preference as applicable. Preference points shall be added after the applicant has received a passing score on an entrance exam and is qualified for placement on the employment list (Government Code § 18978).

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Lake County Department of Human Resources maintains standards for all positions.

The following standards have been adopted for public safety applicants:

1000.3.1 Operation Of A Motor Vehicle

- (a) The ability to possess a valid California driver's license
- (b) The ability to drive safely
- (c) The ability to operate a motor vehicle in all types of weather conditions
- (d) The following may be disqualifying:
 - 1. Receipt of three or more moving violations (or any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit,

Lake County Probation Department

Policy and Procedure Manual

Recruitment and Selection

etc.) within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.

2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.
3. A conviction for driving under the influence of alcohol and/or drugs within three years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

1000.3.2 Integrity

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.
- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel
- (c) Showing strong moral character and integrity in dealing with the public
- (d) Being honest in dealing with the public
- (e) The following may be disqualifying:
 1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
 2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.3.3 Credibility As A Witness In A Court Of Law

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- (b) The following may be disqualifying:
 1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application
 2. Conviction of any offense as an adult which is defined as a theft, fraud, unauthorized access, or perjury.
 3. Conviction of two or more misdemeanor offenses under California law as an adult.
 4. Conviction of two or more misdemeanor offenses in any jurisdiction or jurisdictions as an adult.
 5. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers)

Lake County Probation Department

Policy and Procedure Manual

Recruitment and Selection

6. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers)
7. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft
8. Admission(s) of any act of domestic violence as defined by law, committed as an adult
9. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts
10. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying

1000.3.4 Dependability

- (a) Having a record of submitting reports on time and not malingering on calls, etc.
- (b) A record of being motivated to perform well
- (c) A record of dependability and follow through on assignments
- (d) A history of taking the extra effort required for complete accuracy in all details of work
- (e) A willingness to work the hours needed to complete a job
- (f) The following may be disqualifying:
 1. Missing any scheduled appointment during the process without prior permission
 2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations
 3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult
 4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement

Lake County Probation Department

Policy and Procedure Manual

Recruitment and Selection

5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability
6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
7. Having any outstanding warrant of arrest at time of application.

1000.3.5 Learning Ability

- (a) The ability to comprehend and retain information
- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer
- (e) The following may be disqualifying:
 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
 2. Having been academically dismissed from any STC Certified Core Course wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another STC Certified Core Course shall rescind this requirement

1000.3.6 Personal Sensitivity

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- (b) Empathy
- (c) Discretion, not enforcing the law blindly
- (d) Effectiveness in dealing with people without arousing antagonism
- (e) The ability to understand the motives of people and how they will react and interact
- (f) The following may be disqualifying:
 1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination
 2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation
 3. Having been disciplined by any employer as an adult for fighting in the workplace

Lake County Probation Department

Policy and Procedure Manual

Recruitment and Selection

1000.3.7 Judgment Under Pressure

- (a) The ability to apply common sense during pressure situations
- (b) The ability to make sound decisions on the spot
- (c) The ability to use good judgment in dealing with potentially explosive situations
- (d) The ability to make effective, logical decisions under pressure
- (e) The following may be disqualifying:
 - 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
 - 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

1000.3.8 Illegal Use Or Possession Of Drugs

- (a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
 - 1. Any adult use or possession of a drug classified as a hallucinogenic within seven years prior to application for employment
 - 2. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within three years prior to application for employment
 - 3. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field
 - 4. Any adult manufacture or cultivation of a drug or illegal substance
 - 5. Failure to divulge to the Department any information about personal illegal use or possession of drugs
 - 6. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
 - 1. Any illegal use or possession of a drug as a juvenile

Lake County Probation Department

Policy and Procedure Manual

Recruitment and Selection

2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than one year ago or cocaine use longer than three years ago.)
3. Any illegal or unauthorized use of prescription medications

Evaluation Of Employees

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The Lake County Probation Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1002.4 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Lake County Probation Department

Policy and Procedure Manual

Evaluation of Employees

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Probationary-An Employee Performance Evaluation shall be completed at the end of the third and sixth month from the employee's original appointment. Employees on a twelve (12) month probationary period shall also receive an evaluation prior to the end of the twelfth (12th) month from their original appointment, prior to the end of their probationary period. Employees who have been promoted, shall be evaluated 6 months after their initial promotion date.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1002.4.1 Ratings

Raters are required to evaluate their personnel annually on the employee's anniversary date. Raters are to use the current performance evaluation report:

Outstanding - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Above Average - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Satisfactory - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1002.5 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor

Lake County Probation Department

Policy and Procedure Manual

Evaluation of Employees

may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1002.6 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Chief Deputy). The Chief Deputy shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Chief Deputy shall evaluate the supervisor on the quality of ratings given.

1002.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief Deputy Probation Officer for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to County Department of Human Resources.

Grievance Procedure

1006.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1006.1.1 Grievance Defined

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- County rules & regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in Policy Manual § 328, and personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in Policy Manual §1020.

1006.2 PROCEDURE

If an employee believes that he or she has a grievance as defined above, then that employee should refer to the grievance procedures outlined in the prevailing employee association Memorandum of Understanding (MOU).

Reporting Of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.2.1 Reporting Off-Duty Contacts With Law Enforcement

Any sworn officer who is contacted while on or off-duty by any law enforcement officer or agency pursuant to an investigation for any misdemeanor or felony investigation shall immediately notify his/her supervisor in writing of the incident. The notification shall include the date and time of the contact, the location of the contact, the name of the law enforcement officer(s) involved (if known), and the name of the agency or agencies involved. If the employee's immediate supervisor is unavailable, the notification shall be made to an available supervisor of equal or greater rank than the employee's immediate supervisor. This requirement does not apply to contacts made with an employee as a result of the employee's official duties.

As used in this section, the definition of "contact" or "contacted" includes, but is not limited to, any detention, questioning, arrest, or citation of the employee.

This policy shall apply to all contacts, regardless of the employee's actual or perceived involvement in the investigation as a suspect, victim, or witness.

Lake County Probation Department

Policy and Procedure Manual

Reporting of Employee Convictions

1010.2.2 Reporting Of Restraining Orders And Other Orders

Any sworn officer who becomes subjected to a temporary restraining order, domestic violence restraining order, civil harassment restraining order, order after hearing, or criminal protective order, by any court in the United States, shall immediately notify his/her supervisor of the following: The name of the Court issuing the order, the jurisdiction of the Court, and the case number under which the order was made. This requirement does not apply to orders made to an employee as a result of the employee's official duties.

As used in this section, the term "immediately" shall mean immediately upon returning to work, or within 48 hours, whichever occurs first.

1010.3 OTHER CRIMINAL CONVICTIONS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1010.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief Probation Officer in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief Probation Officer in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855

Lake County Probation Department

Policy and Procedure Manual

Reporting of Employee Convictions

will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

Alcohol And Drug Use Policy

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Chief Probation Officer or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1012.3.1 Use Of Medications

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Lake County Probation Department

Policy and Procedure Manual

Alcohol and Drug Use Policy

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1012.7 REQUESTING SCREENING TESTS

The supervisor may request an employee to submit to a screening test under the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

1012.7.1 Supervisor Responsibility

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.

Lake County Probation Department

Policy and Procedure Manual

Alcohol and Drug Use Policy

- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.7.2 Screening Test Refusal

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates in provisions of this policy.

1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1012.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

Sick Leave Reporting

1014.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) , the California Family Rights Act or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 1510).

1014.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

1014.2.1 Notification

Employees are encouraged to notify the Chief Probation Officer or appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

1014.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

Lake County Probation Department

Policy and Procedure Manual

Sick Leave Reporting

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

1014.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- (a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances.
- (b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).
- (c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.
- (d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1016.2 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOL TRANSMISSIBLE DISEASES

All department personnel who are exposed to another person's blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR 5199):

- (a) An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.
- (b) The exposure occurred without the benefit of applicable exposure controls required by this policy.
- (c) It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.

1016.2.1 Universal Precautions

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

1016.2.2 Personal Protective Equipment

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is available to all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommend)

1016.2.3 Immunizations

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

1016.2.4 Work Practices

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1016.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

1016.3.1 Use Of Waste Containers

Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the office shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

1016.3.2 Decontamination Of Skin And Mucous Membranes

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as

soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

1016.3.3 Sharps And Items That Cut Or Puncture

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

1016.3.4 Disposable Protective Equipment

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance when possible. The waste material shall then be disposed of in a biohazard waste container at the hospital. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1016.3.5 Decontamination Of Personal Protective Equipment

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance or paramedic truck

When possible. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1016.3.6 Decontamination Of Non-Disposable Equipment

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or office for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

1016.3.7 Decontamination Of Clothing

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1016.3.8 Decontamination Of Vehicles

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

1016.4.1 Employee Responsibility To Report Exposure

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

1016.4.2 Supervisor Reporting Requirements

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- (a) Name and social security number of the employee(s) exposed.
- (b) Date and time of incident.
- (c) Location of incident.
- (d) What potentially infectious materials were involved.
- (e) Source of material or person.
- (f) Current location of material or person.
- (g) Work being done during exposure.
- (h) How the incident occurred or was caused.
- (i) PPE in use at the time of the incident.
- (j) Actions taken post-event (e.g., clean-up, notifications).

The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

It is the responsibility of the exposed employee's supervisor to ensure testing is sought

1016.4.3 Medical Consultation, Evaluation And Treatment

Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's

medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the County's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1016.4.4 Counseling

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

1016.4.5 Confidentiality Of Reports

Most of the information involved in this process must remain confidential. The supervisor ensure that all records and reports are kept in the strictest confidence.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1016.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are five methods to obtain such testing.

- (a) Obtaining voluntary consent from any person who may be the source of an exposure to cover testing for any communicable disease.

- (b) Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee. The county health officer may pursue testing for HIV or hepatitis B or C (Penal Code § 7510 et seq.).
- (c) Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing (Health and Safety Code § 121060 et seq.).
- (d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under the statutory schemes for testing. This covers testing for any communicable disease as deemed appropriate by a health care professional and documented in the request for the court order.
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing an adult or juvenile when an employee of the Lake County Probation Department qualifies as a crime victim (Penal Code § 1524.1).

1016.5.1 Exposure From A Non-Arrestee

Upon notification of an employee's exposure to a person who was not arrested, the supervisor attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

- (a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
- (b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing.
- (c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the supervisor should promptly consult with County Counsel and consider requesting that a court order be sought for appropriate testing.

1016.5.2 Exposure From An Arrestee

Upon notification of an exposure to an employee by a person who was arrested, the supervisor should take the following steps:

- (a) Comply with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (b) Take reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

- (c) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee's shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee's name should not appear on this form.
- (d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.
- (e) The results of the tests should be made available to the donor and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the supervisor is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the supervisor should seek consent or a court order in the same manner as for a non-arrestee.

Smoking Policy

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Lake County Probation Department facilities or vehicles.

1018.2 POLICY

Smoking and other use of tobacco products is not permitted inside department facilities or any department vehicle. It shall also be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside department facilities and vehicles.

No person shall smoke tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any Department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

Employees in uniform are also prohibited from smoking or using tobacco products while in public view.

1018.3 EMPLOYEE USE

Tobacco use by employees is prohibited anytime employees are in public view representing the Department.

Smoking and the use of other tobacco products is not permitted inside any County facility, office or vehicle (California Labor Code § 6404.5).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

Personnel Complaint Procedure (peace Officers)

1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct Peace Officers employed by this department. The following procedures apply only to Peace Officers.

1020.1.1 Personnel Complaints Defined

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code 3303(i)).

Personnel Complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Assistant Chief Probation Officer or appropriate Chief Deputy Probation Officer depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor, the Assistant Chief Probation Officer, or the appropriate Chief Deputy Probation Officer such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 Availability Of Complaint Forms

Personnel complaint forms will be available from the Chief Probation Officer, Assistant Chief Probation Officer or Chief Deputy Probation Officer and may also be available at other government facilities.

Lake County Probation Department

Policy and Procedure Manual

Personnel Complaint Procedure (Peace Officers)

1020.2.2 Source Of Complaints

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.
- (c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

1020.2.3 Acceptance Of Complaints

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action
- (b) When an uninvolved supervisor or the Chief Probation Officer determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint

1020.2.4 Complaint Documentation

Formal complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

Lake County Probation Department

Policy and Procedure Manual

Personnel Complaint Procedure (Peace Officers)

1020.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Moreover, supervisors shall also maintain the ability to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, or informal verbal admonishment, or other routine or unplanned contact (Cal. Govt. Code 3303(i)).

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Chief Probation Officer or authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

- (a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Chief Probation Officer is notified as soon as practicable.
- (b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Chief Deputy probation Officer of the accused employee, via the chain of command, who will take appropriate action or forward the complaint to the Chief Probation Officer for further action.
 - 1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
 - 2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.
 - 3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Chief Deputy or the Chief Probation Officer who will initiate appropriate action.
- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Department of Human Resources and the Chief Probation Officer for direction regarding their role in investigation and/or addressing the complaint.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees, or the public, the Chief Probation Officer or his/her designee may assign the accused employee to paid administrative leave pending completion of the investigation, or until it is deemed no longer necessary for the employee to be on paid administrative leave.

Lake County Probation Department

Policy and Procedure Manual

Personnel Complaint Procedure (Peace Officers)

1020.4.1 Administrative Leave

An employee placed on administrative leave may be subject to the following guidelines:

- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline
- (b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor
- (d) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned.

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

When an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief Probation Officer shall be notified as soon as practical when an employee is formally accused of criminal conduct.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective, unless required by law.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or member assigned by the Chief Probation Officer, the following procedures shall be followed with regard to the accused employee(s):

- (a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a)).

Lake County Probation Department

Policy and Procedure Manual

Personnel Complaint Procedure (Peace Officers)

- (b) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b)).
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)).
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Government Code § 3303(d)).
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).
- (f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).
- (g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to *Lybarger*. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h)).
- (h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

1020.6.1 Administrative Searches

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Lake County Probation Department

Policy and Procedure Manual

Personnel Complaint Procedure (Peace Officers)

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place (Government Code § 3309).

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1020.6.2 Administrative Investigation Format

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Lake County Probation Department

Policy and Procedure Manual

Personnel Complaint Procedure (Peace Officers)

No Finding - When the investigation could not be completed. Justification for the inability to complete the investigation shall be included in the report (e.g. the employee became unavailable due to resignation prior to the completion of the investigation).

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation. In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery.

Upon completion, the report should be forwarded through the chain of command to the Chief Deputy Probation Officer of the involved employee(s).

Once received, the Chief Probation Officer may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Chief Probation Officer, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint (Penal Code § 832.7).

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief Probation Officer to discuss the matter further.

1020.8.1 Confidentiality Of Personnel Files

All investigations of personnel complaints, whether originating from a citizen or internally, shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All sustained citizen's complaints shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.).

Lake County Probation Department

Policy and Procedure Manual

Personnel Complaint Procedure (Peace Officers)

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Chief Probation Officer apart from the employee's personnel file.

Seat Belt Procedure

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles (Vehicle Code § 27315.5).

1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1022.2.1 Transporting Children

Children under the age of 8 should be transported in compliance with California's restraint system requirements (Vehicle Code § 27360).

A child may be transported by sworn personnel without the use of a child passenger restraint system in an authorized emergency vehicle if a child passenger restraint system is unavailable and the child is secured by a seat belt (Vehicle Code § 27363(b) and Vehicle Code § 165).

Members should deactivate, if available, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.

1022.3 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1022.4 INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Chief Probation Officer.

Lake County Probation Department

Policy and Procedure Manual

Seat Belt Procedure

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the Lake County Probation Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR

The Chief Probation Officer or Chief Deputy Probation Officer shall ensure that body armor is issued to all armed field officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Officers issued body armor shall notify the Chief Probation Officer or Chief Deputy Probation if and when replacement of their body armor becomes necessary due to expiration, or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 Use Of Soft Body Armor

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

1024.3.2 Inspections Of Body Armor

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

Body Armor

1024.3.3 Care And Maintenance Of Soft Body Armor

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1024.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

Peace Officer Personnel Files

1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1026.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Department File - That file which is maintained in the office of the Chief Probation Officer as a permanent record of a sworn officer's employment with this department.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures

Lake County Probation Department

Policy and Procedure Manual

Peace Officer Personnel Files

set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the Presiding Judge, County Counsel or other attorneys or representatives of the County in connection with official business.

1026.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Chief Probation Officer, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of County Counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1026.5.1 Release Of Confidential Information

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief Probation Officer or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

1026.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief Probation Officer through the chain of command. The Department shall thereafter remove any such item if

Lake County Probation Department

Policy and Procedure Manual

Peace Officer Personnel Files

appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

- (a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.
- (b) Confidential portions of Internal Affairs files which have not been sustained against the employee

1026.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in the Probation Department or the Lake County Human Resources Office.

1026.7.1 Department File

The Department file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.
 - 1. It shall be the responsibility of the involved employee to provide the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
 - 2. The Training Manager or supervisor shall ensure that copies of such training records are placed in the employee's department file.
- (c) Disciplinary action:
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least two years (Government Code § 34090).
 - 2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years (Penal Code § 832.5).
 - 3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.
- (d) Adverse comments such as supervisor log entries may be retained in the department file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years Government Code § 3305).

Lake County Probation Department

Policy and Procedure Manual

Peace Officer Personnel Files

1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).
 2. Any such employee response shall be attached to and retained with the original adverse comment.
 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.
- (e) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee.
- (f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.
- (g) A photograph of the employee shall be permanently retained.

1026.7.2 Internal Affairs File

Internal affairs files shall be maintained under the exclusive control of the Chief Deputy Probation Officer in conjunction with the office of the Chief Probation Officer. Access to these files may only be approved by the Chief Probation Officer. These files shall contain:

- (a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition
1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).
 2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)). Investigation files arising out of other internally generated complaints shall be maintained no less than two years (Government Code § 34090).
- (b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5 (c)).

1026.7.3 Training Files

An individual training file shall be maintained by the Training Officer for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

Lake County Probation Department

Policy and Procedure Manual

Peace Officer Personnel Files

- (a) It shall be the responsibility of the involved employee to provide the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1026.7.4 Medical File

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.
- (c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

1026.8 PURGING OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090; Government Code § 26202).

- (a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief Probation Officer.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief Probation Officer, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.

Employee Commendations

1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

1030.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee
- Conspicuous bravery or outstanding performance by any employee of the Department
- Any action or performance that is above and beyond the typical duties of an employee

1030.3.1 Commendation Incident Report

The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

- (a) Employee name and assignment at the date and time of the commendation
- (b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate
- (c) Signature of the commending supervisor

Completed reports shall be forwarded to the appropriate Chief Deputy for his/her review. The Chief Deputy shall sign and forward the report to the Chief Probation Officer for his/her review.

The Chief Probation Officer will return the commendation to the employee for his/her signature. The report will then be returned for entry into the employee's personnel file.

Fitness For Duty

1032.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Chief Probation Officer or employee's available Chief Deputy, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief Probation Officer shall be promptly notified in the event that any employee is relieved from duty.

1032.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

Lake County Probation Department

Policy and Procedure Manual

Fitness for Duty

1032.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed by the Chief Probation Officer from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief Probation Officer may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10 (c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

Lake County Probation Department

Policy and Procedure Manual

Fitness for Duty

- 16 hours in one day (24 hour period) or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

The current MOU should be consulted for further information.

1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.

Meal Periods And Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees that has been established by MOU and County Personnel Rules.

1034.1.1 Meal Periods

The time spent for the meal period shall not exceed the authorized time allowed. Employees are not on call during meal breaks unless directed otherwise by a supervisor.

1034.1.2 15 Minute Breaks

Where practical, each employee shall be provided a 15 minute break, near the mid-point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the probation office, day reporting center or south county sub-station shall remain in that facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios.

Lactation Break Policy

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code §§ 1030-1032).

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify their supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

Time Card Procedures

1036.1 PURPOSE AND SCOPE

Payroll records are submitted to the Auditor Controller on a monthly basis for the payment of wages.

1036.1.1 Responsibility For Completion Of Payroll Records

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1036.1.2 Time Requirements

All employees are paid monthly. Payroll records shall be completed and available for supervisor approval at the end of each employee's daily shift.

Overtime Payment Requests

1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1038.1.1 Department Policy

Because of the nature of probation casework, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment per the provisions of the current MOU.

1038.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Appropriate Chief Deputy Probation Officer.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1038.2.1 Employees Responsibility

Employees shall complete and submit the requests immediately after working the overtime.

1038.2.2 Supervisors Responsibility

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

Lake County Probation Department

Policy and Procedure Manual

Overtime Payment Requests

After the entry has been made, the overtime payment request is forwarded to the employee's Chief Deputy for final approval.

1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid. The supervisor will enter the actual time worked.

1038.3.1 Accounting For Portions Of An Hour

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE	
1 to 15 minutes	$\frac{1}{4}$ hour	
16 to 30 minutes	$\frac{1}{2}$ hour	
31 to 45 minutes	$\frac{3}{4}$ hour	
46 to 60 minutes	1 hour	

1038.3.2 Variation In Time Reported

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Chief Deputy Probation Officer or other approving supervisor may require each employee to include the reason for the variation of the overtime payment request.

Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief Probation Officer prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief Probation Officer in accordance with the provisions of this policy.

1040.1.1 Definitions

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief Probation Officer. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief Probation Officer for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1040.2.1 Appeal Of Denial Of Outside Employment

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief Probation Officer within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1040.2.2 Revocation/Suspension Of Outside Employment Permits

Any outside employment permit may be revoked or suspended under the following circumstances:

Lake County Probation Department

Policy and Procedure Manual

Outside Employment

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief Probation Officer may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient

1040.3.1 Outside Security And Peace Officer Employment

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief Probation Officer in

Lake County Probation Department

Policy and Procedure Manual

Outside Employment

advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 - 1. The officer(s) shall wear the departmental uniform/identification.
 - 2. The officer(s) shall be subject to the rules and regulations of this department.
 - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 - 5. Outside security services shall not be subject to the collective bargaining process.
 - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief Probation Officer.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1040.4.1 Review Of Financial Records

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to § 1040.2.2(c) of this policy.

1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief Probation

Lake County Probation Department

Policy and Procedure Manual

Outside Employment

Officer through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief Probation Officer any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief Probation Officer whether such outside employment should continue.

In the event the Chief Probation Officer determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Lake County Probation Department, a request (in writing) may be made to the Chief Probation Officer to restore the permit.

On Duty Injuries

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to Risk Management, to ensure proper medical attention is received, and document the circumstances of the incident.

1042.1.1 County Of Lake Policy

Each Probation Department Employee shall familiarize themselves with any County of Lake Injury and Illness Prevention Policy and all employees are required to comply with the policy.

- (a) All employees are required to report any existing or potential hazards to a supervisor as soon as practical.
- (b) Employees are encouraged to submit suggestions for improving safety standards and workplace conditions.
- (c) All peace officers shall comply with safety procedures regarding communicable diseases, environmental hazards, and hazardous substances.

1042.2 WORKER'S COMPENSATION FUND REPORTS

1042.2.1 Injuries Requiring Medical Care

All work related injuries and work related illnesses requiring medical care must be reported to the Risk Management Office and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

1042.2.2 Accident Defined

Accident - is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

1042.2.3 Employee's Responsibility

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with departmental policies and directives relating to the duty to periodically call

Lake County Probation Department

Policy and Procedure Manual

On Duty Injuries

in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1042.2.4 Supervisor's Responsibility

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under Policy Manual § 1042.2. Updated copies of forms with instructions for completion provided by Risk Management are kept in the Sergeant's office.

For work-related accidents, injuries or illness not requiring professional medical care, a Supervisor's Report of Injury form shall be completed in triplicate. All copies of the completed form shall be forwarded to the supervisor's Chief Deputy, through the chain of command.

When an accident, injury, or illness is reported initially on the Supervisor's Report of Injury form and the employee subsequently requires professional medical care, the State of California Employer's Report of Occupational Injury or Illness form shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC-1) within 24 hours, regardless of the nature of illness or injury.

Copies of any reports documenting the accident or injury should be forwarded to the Chief Deputy as soon as they are completed.

1042.2.5 Chief Deputy Responsibility

The Chief Deputy receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief Probation Officer.

1042.2.6 Chief Probation Officer Responsibility

The Chief Probation Officer shall review and forward copies of the report to the Department of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION

Those injuries and illnesses not requiring medical attention shall be recorded on a form approved by Risk Management. This form shall be completed and signed by a supervisor.

Lake County Probation Department

Policy and Procedure Manual

On Duty Injuries

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

1042.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the County, and/or other insurers are entitled to recover civilly. To ensure that the County's interests are protected and that the employee has the benefit of the County's experience in these matters, the following procedure is to be followed:

1042.4.1 Employee To Report Initial Contacts

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

1042.4.2 No Settlement Without Prior Approval

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Chief Probation Officer with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief Probation Officer. The purpose of such notice to permit the County to determine whether or not the offered settlement will affect any claim the County may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the County's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief Probation Officer has granted exception.

1044.2.1 Hair

Hairstyles of all members shall be neat in appearance.

1044.2.2 Facial Hair And Sideburns

Facial hair and sideburns shall be neatly trimmed and professional in appearance.

1044.3 TATTOOS

While on duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible (examples of offensive tattoos would include, but not be limited to those which depict racial, sexual, discriminatory, gang related, or obscene language).

1044.4 BODY PIERCING OR ALTERATION

Other than piercing of the earlobes, body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

1044.5 DRESS STANDARD

It is important that all probation staff, regardless of their function or assignment, recognize that they represent to the public and to other agencies, the professional standard and image of this department. Their appearance, therefore, must be one which is in good taste and reflects favorably on the department.

Lake County Probation Department

Policy and Procedure Manual

Personal Appearance Standards

Although no absolute criteria can be set forth to prescribe professional dress or appearance, staff should be aware of the need to present a neat, well-groomed, and professional image to the courts and the public we serve.

1044.5.1 Guidelines

The following guidelines are set forth for all staff and volunteers functioning within the Lake County Probation Department:

- (a) Clothing should be neat and clean at all times.
- (b) Clothing should not be torn, frayed, or in obvious need of repair.
- (c) The style of clothing worn shall not be of a revealing or suggestive nature and should not contain messages promoting profanity, illegal activities, or inappropriate behaviors.
- (d) For increased safety, when working in a capacity in which there may be a need to intervene with clients, footwear should be of a type that is enclosed, is attached securely to the feet, and has soles that provide good traction.
- (e) Department-issued polo shirts bearing the department insignia may be worn. Personally purchased polo shirts or other clothing bearing the department insignia shall be approved by the Chief Probation Officer or his/her designee prior to wear.

1044.5.2 Minimum Standards

Probation Department staff should not appear any less professional in their appearance than one would find in any office providing face-to-face service to the public; therefore, the following are examples of items that do not meet minimum standards of professional attire:

- (a) Leggings/bike shorts
- (b) Shorts
- (c) T-shirts & tank tops
- (d) Midriff tops
- (e) Flip-flops/Sandals
- (f) Jogging suits
- (g) Sweats, i.e., sweatshirts/pants
- (h) Suggestive attire

Lake County Probation Department

Policy and Procedure Manual

Personal Appearance Standards

1044.5.3 Authorized Exceptions

- (a) Armed staff, while wearing body armor and an outer vest or jacket during field operations, may wear T-shirts beneath the body armor and/or outer vest/jacket for the duration of the field operations.
- (b) Other positions or functions designated by the Chief Probation Officer.

1044.5.4 Limited Medical Exemption

Any member of the Management Team may temporarily exempt an employee from the minimum dress standard while performing a specific short-term task, specific medical reasons, or for training that involves physical participation.

1044.5.5 Court Attire

Probation staff appearing in court are expected to adhere to a standard of dress which includes: Shirt, tie, dress shoes, dress pants and jacket for male staff, business suits, skirts, dress, shoes and blouses for female staff.

It is recommended that staff who may be unexpectedly called into court have a change of clothing that is suitable for wear in court available to them, should the need arise.

1044.5.6 Training

Probation staff are expected to dress appropriately for any given training setting.

1044.5.7 Sanctions

Each employee's attire is subject to review and approval by management.

Staff not in compliance with the department dress policy will be directed to change into appropriate attire. Any time away from the job will be on the employee's own time (personal accruals) pursuant to the supervisor's discretion. Subsequent violations of this policy are subject to progressive discipline.

Department-Issued Clothing

1045.1 PURPOSE AND SCOPE

It is the policy of the department that department- issued clothing may be worn by staff when engaged in the performance of their assigned duties, and while traveling to and from their place of employment.

1045.2 GUIDELINES

- (a) No member of the department may wear department-issued clothing while purchasing/possessing and/or consuming any alcoholic beverage.
- (b) Except in the official performance of their duties, no staff member shall enter any place of business where the primary item of sale is an alcoholic beverage, while wearing department-issued clothing, (bars and liquor stores).
- (c) Staff may not conduct personal business while wearing department-issued clothing, unless the features of the clothing which identify the employee as a Department employee are covered by a cover shirt or other item which effectively conceals the identifying features.
- (d) Staff may wear department issued clothing while traveling to or from work, but are encouraged to use good judgment in engaging in this type of activity. It is recommended that staff wear a cover shirt while traveling in their personal vehicles. All staff are cautioned that the department logo/insignia clearly identifies their peace officer status or their connection to a correctional agency, and this could put you in a situation where clients, their family or friends, or individuals that have a grudge against law enforcement/corrections cause a confrontation.
- (e) Authorization from the Chief Deputy Probation Officer, Assistant Chief Probation or Chief Probation Officer is required for staff to wear department- issued clothing while off duty, under circumstances not covered by this policy (e.g. not traveling to or from work, on break, etc.).
- (f) Staff will, at all times, whether they are wearing department-issued clothing or not, maintain peace officer standards with respect to their personal appearance, so that an appropriate professional image is projected/maintained
- (g) All worn or damaged clothing shall be returned to your supervisor when a replacement is requested or of course when your employment is terminated. Do not simply destroy worn or damaged clothing.

Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Lake County Probation Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property

Section 1024 - Body Armor

Section 1044 - Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief Probation Officer or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Probation employees wear the uniform to be identified as a law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All armed field officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (d) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (e) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (f) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.
- (g) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (h) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief Probation Officer or his designee.

- 1. Wrist watch

2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
3. Medical alert bracelet

1046.2.1 Department Issued Identification

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Chief Deputy.

1046.3. Specialized Unit Uniforms

The Chief Probation Officer may authorize special uniforms to be worn by officers in specialized units or assignments.

1046.3.1 Foul Weather Gear

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1046.4 Mourning Badge

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) From the time of death until midnight on the day of the funeral.
- (b) While attending the funeral of a fallen officer.
- (c) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (d) As directed by the Chief Probation Officer.

1046.5 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief Probation Officer, Lake County Probation Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Lake County Probation Department to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1046.6 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
 - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property. (Policy Manual § 700)

1046.7 Retiree Badges

The Chief Probation Officer may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Lake County Probation Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Deputy CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words #Honorably Retired# clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Lake County Probation Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Lake County Probation Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief Probation Officer or designee.

Lake County Probation Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief Probation Officer or designee.

Nepotism And Conflicting Relationships

1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1050.1.1 Definitions

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940(a)):

- (a) Whenever possible, employees will not directly supervise, or occupy a position in the line of supervision or be directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

Lake County Probation Department

Policy and Procedure Manual

Nepotism and Conflicting Relationships

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Whenever possible, employees will not participate in, contribute to or recommend promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
- (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1050.2.1 Employee Responsibility

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1050.2.2 Supervisor's Responsibility

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable

Lake County Probation Department

Policy and Procedure Manual

Nepotism and Conflicting Relationships

steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief Probation Officer of such actual or potential violations through the chain of command.

Department Badges

1052.1 PURPOSE AND SCOPE

The Lake County Probation Department badge and uniform emblem as well as the likeness of these items and the name of the Lake County Probation Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued or approved by the Chief Probation Officer shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1052.2.1 Flat Badge

Sworn officers, with the written approval of the Chief Probation Officer may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another deputy within the Lake County Probation Department with the written approval of the Chief Probation Officer.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual 700.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1052.2.2 Civilian Personnel

Departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Probation Aide).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1052.2.3 Retiree Uniform Badge

Upon honorable retirement employees may be awarded his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

Lake County Probation Department

Policy and Procedure Manual

Department Badges

1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees for official use only. The department badge, or emblem or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, emblem and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief Probation Officer.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief Probation Officer.

Modified Duty Assignments

1054.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief Probation Officer or his/her designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1054.2 DEFINITIONS

Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

1054.3 LIMITATIONS

Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon Department need and the employee's ability to perform in a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

- (a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.
- (b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.
- (c) The Department may place conditions as deemed appropriate upon any modified-duty assignment.

1054.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Chief Deputy or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

Lake County Probation Department

Policy and Procedure Manual

Modified Duty Assignments

The Chief Deputy will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment.

1054.4.1 Modified-Duty Schedules

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Chief Deputy.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1054.4.2 Accountability

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Chief Deputy apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Chief Deputy with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief Probation Officer.
- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Chief Deputy and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1054.4.3 Medical Examinations

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Lake County Probation Department

Policy and Procedure Manual

Modified Duty Assignments

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1054.5 PREGNANCY

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

1054.5.1 Employee Notification

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

1054.5.2 Supervisor's Responsibility

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Chief Deputy, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the County's Personnel Rules and Regulations regarding family and medical care leave.

1054.6 PROBATIONARY EMPLOYEES

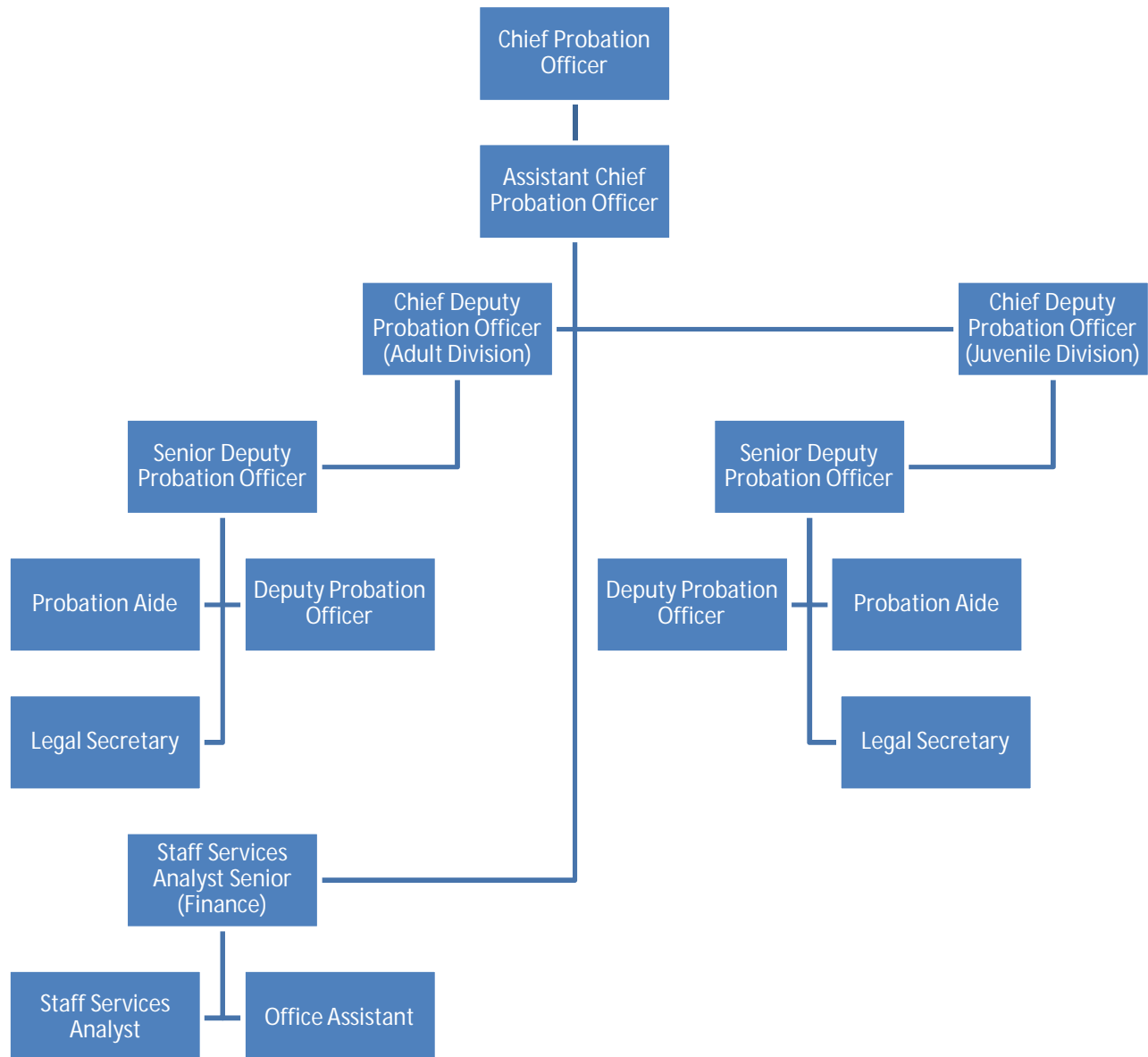
Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

1054.7 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

Attachments

Lake County Probation Department Organizational Chart



Adoption and Modification Dates

	Date Adopted	Date Modified	Meet and Confer Date
Law Enforcement Code of Ethics	11/6/18		11/6/18
Mission Statement	11/6/18		11/6/18
	11/6/18		11/6/18
Chapter 1 -Law Enforcement Role and Authority	11/6/18		11/6/18
100- Law Enforcement Authority	11/6/18		11/6/18
102- General Policy Statements	11/6/18		11/6/18
103- Countywide Policy Statements	11/6/18		11/6/18
104- Oath of Office	11/6/18		11/6/18
106- Policy Manual	11/6/18		11/6/18
	11/6/18		11/6/18
Chapter 2- Organization and Administration	11/6/18		11/6/18
200- Organizational Structure and Responsibility	11/6/18		11/6/18
204- Department Directive	11/6/18		11/6/18
206- Disaster Plan	11/6/18		11/6/18
207- Pre-Fire Plan	11/6/18		11/6/18
208- Training Policy	11/6/18		11/6/18
212- Electronic Mail	11/6/18		11/6/18
214- Administrative Communications	11/6/18		11/6/18
216- Staffing Levels	11/6/18		11/6/18
220- Retired Officer Identification Card	11/6/18		11/6/18
	11/6/18		11/6/18
Chapter 3- General Operations	11/6/18		11/6/18
300- Use of Force	11/6/18		11/6/18
302- Deadly Force Review	11/6/18		11/6/18
306- Leg Restraint Device	11/6/18		11/6/18
308- Oleoresin Capsicum Spray	11/6/18		11/6/18
310- Officer Involved Fatal incident	11/6/18		11/6/18
312- Firearms	11/6/18		11/6/18
316- Requesting Emergency Assistance	11/6/18		11/6/18
320- Domestic Violence	11/6/18		11/6/18
322- Search and Seizure	11/6/18		11/6/18
324- Temporary Custody of Juveniles	11/6/18		11/6/18

Lake County Probation Department

Policy and Procedure Manual

325- Transportation	11/6/18		11/6/18
326- Elder	11/6/18		11/6/18
328- Discriminatory Harassment	11/6/18		11/6/18
330- Child Abuse	11/6/18		11/6/18
332- Missing Person Report	11/6/18		11/6/18
334- AMBER Alerts	11/6/18		11/6/18
336- Victim Witness Assistance Program	11/6/18		11/6/18
338- Hate Crimes	11/6/18		11/6/18
340- Conduct	11/6/18		11/6/18
342- Department Computer Use	11/6/18		11/6/18
344- Report Preparation	11/6/18		11/6/18
346- News Media Relations	11/6/18		11/6/18
348- Court Appearance and Subpoenas	11/6/18		11/6/18
352- Mutual Aid and Outside Agency Assistance	11/6/18		11/6/18
356- Megan's Law	11/6/18		11/6/18
358- Major Incident Notification	11/6/18		11/6/18
368- Limited English Proficiency Services	11/6/18		11/6/18
370- Communications with Persons with Disabilities	11/6/18		11/6/18
372- Mandatory School Employee Reporting	11/6/18		11/6/18
380- Child and Dependent Adult Safety	11/6/18		11/6/18
382- Service	11/6/18		11/6/18
	11/6/18		11/6/18
Chapter 4- Field Operations	11/6/18		11/6/18
400- Racial/Bias Based	11/6/18		11/6/18
404- Crime & Disaster Scene	11/6/18		11/6/18
408- Ride-Along Policy	11/6/18		11/6/18
410- Hazardous Material	11/6/18		11/6/18
412- Hostages & Barricaded	11/6/18		11/6/18
414- Bomb and Explosive Device Incidents	11/6/18		11/6/18
422- Rapid Deployment Team Policy	11/6/18		11/6/18
424- Reporting Law Enforcement Activity Outside of Jurisdiction	11/6/18		11/6/18
438- Field Interviews & Photographing of Field Detainees	11/6/18		11/6/18
440- Criminal Street Gangs	11/6/18		11/6/18
448- Use of Audio/Video Recorders	11/6/18		11/6/18
456- Foot Pursuit Policy	11/6/18		11/6/18
457-Administration of Opioid Overdose Meds	4/5/19		4/5/19
Chapter 6- Investigation Operations	11/6/18		11/6/18
609- Special Investigations Unit and Welfare Fraud Investigations	11/6/18		11/6/18
612- Brady Material Disclosure	11/6/18		11/6/18
	11/6/18		11/6/18
Chapter 7- Equipment	11/6/18		11/6/18
700- Department Owned and Personal Property	11/6/18		11/6/18
702- Personal Communication Devices	11/6/18		11/6/18

Lake County Probation Department

Policy and Procedure Manual

704- Vehicle Maintenance	11/6/18		11/6/18
706- Vehicle Use Policy	11/6/18		11/6/18
	11/6/18		11/6/18
Chapter 8- Support Services	11/6/18		11/6/18
804- Property Procedures	11/6/18		11/6/18
810- Release of Records and Information	11/6/18		11/6/18
811- California Law Enforcement Telecommunications System	11/6/18		11/6/18
813- Criminal Offender Record Information (CORI)	11/6/18		11/6/18
814- Confidentiality Policy	11/6/18		11/6/18
816- Computers and Digital Evidence	11/6/18		11/6/18
	11/6/18		11/6/18
Chapter 9- Custody	11/6/18		11/6/18
900- Custody Searches	11/6/18		11/6/18
902- Prison Rape Elimination	11/6/18		11/6/18
	11/6/18		11/6/18
Chapter 10- Personnel	11/6/18		11/6/18
1000- Recruitment and Selection	11/6/18		11/6/18
1002- Evaluation of Employees	11/6/18		11/6/18
1006- Grievance Procedure	11/6/18		11/6/18
1010- Reporting of Employee Convictions	11/6/18		11/6/18
1012- Alcohol and Drug Use Policy	11/6/18		11/6/18
1014- Sick Leave Reporting	11/6/18		11/6/18
1016- Communicable Diseases	11/6/18		11/6/18
1018- Smoking Policy	11/6/18		11/6/18
1020- Personnel Complaint Procedure (Peace Officers)	11/6/18		11/6/18
1022- Seat Belt Procedure	11/6/18		11/6/18
1024- Body Armor	11/6/18		11/6/18
1026- Peace Officer Personnel Files	11/6/18		11/6/18
1030- Employee Commendations	11/6/18		11/6/18
1032- Fitness for Duty	11/6/18		11/6/18
1034- Meal Periods and Breaks	11/6/18		11/6/18
1035- Lactation Break Policy	11/6/18		11/6/18
1036- Time Card Procedures	11/6/18		11/6/18
1038- Overtime Payment Requests	11/6/18		11/6/18
1040- Outside Employment	11/6/18		11/6/18
1042- On Duty Injuries	11/6/18		11/6/18
1044- Personal Appearance Standards	11/6/18		11/6/18
1045- Department Issued Clothing	11/6/18		11/6/18
1046- Uniform Regulations	11/6/18		11/6/18
1050- Nepotism and Conflicting Relationships	11/6/18		11/6/18
1052- Department Badges	11/6/18		11/6/18
1054- Modified Duty Assignments	11/6/18		11/6/18

Additions and Amendments

457 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code § 1714.22; 22 CCR 100019):

(a) When trained and tested to demonstrate competence following initial instruction.

(b) When authorized by the Department of Health Care Services.

(c) In accordance with California Peace Officer Standards and Training (POST) standards.

457.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager.

Any member who administers an opioid overdose medication should contact their supervisor as soon as possible and request response by EMS.

457.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an Incident Report. The Supervisor will ensure that the Training Manager is provided enough information to meet applicable state reporting requirements.

